

Task 61

Final Product

DRAFT

RICHMOND COUNTY
VIRGINIA

LAND MANAGEMENT
ORDINANCE

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**ARTICLE I
INTRODUCTORY PROVISIONS**

1-1 TITLE

This Ordinance shall be known as the Richmond County Land Management Ordinance (LMO).

1-2 AUTHORITY

This Ordinance is adopted pursuant to the authority granted by Title 15.1, Chapter 11 of the Code of Virginia, 1950 (as amended).

1-3 PURPOSE

This Ordinance is adopted for the purpose of guiding development in accordance with the existing and future needs of Richmond County in order to improve the public health, safety, convenience and welfare of the citizens of Richmond County. This Ordinance is designed to plan for the future development of Richmond County to the end that significant environmental, cultural and other features which contribute to the quality of life and character of Richmond County are identified and protected; transportation systems are carefully planned; new community centers are developed with adequate highway, utility, health, educational, and recreational facilities; the needs of agriculture, industry and business are recognized in future growth; residential areas are provided with healthy surroundings for family life; significant agricultural and forestal lands are preserved; and the growth of the community is consonant with the efficient and economical use of public funds.

1-4 JURISDICTION

This Ordinance and the provisions contained herein shall hereafter govern all land development within the unincorporated areas of Richmond County, Virginia, as now or may be hereafter established.

1-5 RELATIONSHIP TO THE COMPREHENSIVE PLAN

It is the intention of the Richmond County Board of Supervisors that this Ordinance implement the planning policies and directives of the Richmond County Comprehensive Plan.

1-6 INTERPRETATION

When the conditions imposed by a provision of this Ordinance are less restrictive than comparable conditions imposed by other provisions of this Ordinance or any other ordinance, the provisions that are more restrictive shall govern.

1-7 SEVERABILITY

The provisions of this Ordinance are severable. If a section, sentence, clause or phrase of this Ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this Ordinance.

1-8 REPEAL OF CONFLICTING ORDINANCES

All sections of the "Subdivision Ordinance of Richmond County, Virginia," the "Manufactured Home Regulations Section of the Subdivision Ordinance for Richmond County, Virginia," the "Erosion and Sediment Control Ordinance of Richmond County, Virginia," the "Richmond County Wetlands Ordinance," the "Richmond County Floodplain Management Ordinance," the "Chesapeake Bay Preservation Area Ordinance for Richmond County, Virginia," and the "Plan of Development Process Site Plan Ordinance for Richmond County, Virginia," and all amendments thereto, shall be and hereby are repealed. All other ordinances or parts thereof inconsistent with the terms of this Ordinance are hereby repealed insofar as such inconsistency may exist.

1-9 EFFECTIVE DATE

This Ordinance shall take effect immediately upon its adoption by the Richmond County Board of Supervisors.

1-10 SAVING PROVISION

The adoption of this Ordinance and repeal of previously existing ordinances and those in conflict shall not be construed as abating any legal action now pending under, or by virtue of, the prior existing ordinances, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, or as waiving any right of the County under any section or provision existing at the time of adoption of this Ordinance, or as vacating or annulling any rights obtained by any person, by lawful action of the County, except as specifically provided for in this Ordinance.

1-11 FILING OF CERTIFIED COPIES OF THIS ORDINANCE

A certified copy of this Ordinance shall be filed in the office of the Land Use Administrator and in the office of the Clerk of the Circuit Court.

**ARTICLE 2
ADMINISTRATION AND PROCEDURES**

2-1 PROCEDURES FOR PROCESSING DEVELOPMENT APPLICATIONS

2-1-1 DUTIES OF THE LAND USE ADMINISTRATOR

The Land Use Administrator shall be responsible for coordination of the development review and decision-making process. His responsibilities include:

- a. Administering and enforcing the zoning, subdivision, development design and implementation provisions of this Ordinance.
- b. Maintaining an accurate record of all amendments to the text and maps of this Ordinance.
- c. Receiving all applications submitted to Richmond County for development permits.
- d. Reviewing every application for completeness and compliance with the provisions of this Ordinance.
- e. Determining which decision-making procedure (DMP) is specified by this Ordinance as the appropriate decision-making process, and facilitating the processing of every application.
- f. Determining which local, state, and federal agencies may be able to provide relevant information thereby ensuring a thorough and complete review of every application and advising those agencies which may want knowledge of an issued permit.
- g. Providing staff support to and enforcing all decisions made by the Board of Supervisors, Board of Zoning Appeals, Planning Commission, Historic District Review Committee and Wetlands Board.
- h. Notifying the applicant by written notice of an approval, approval with conditions, or denial within then (10) days of final action.
- i. Conducting inspections of buildings and other structures, and uses of land to determine compliance with the provisions of this Ordinance.
- j. Performing such other duties and functions as are required by the provisions of this Ordinance.

2-1-2 DECISION-MAKING PATHS (DMPs)

Five different types of decision-making paths (DMPs) are necessary in order to administer the provisions of this Ordinance. These five DMPs are explained below and depicted in Exhibits 1, 2, and 3.

a. Administrative Approval - DMP-a

This decision-making path relates to all development approvals which are issued administratively by staff and do not require approval by the Board of Zoning Appeals (BZA), Board of Supervisors (Board), or any other board or commission appointed by the Board. An application under DMP-a will be processed without a public hearing or notification of

adjacent property owners. Staff may solicit input from other agencies, departments, boards, commissions and citizens as deemed necessary. Although it is the intent of the County to review applications with as little delay as possible, some applications may require referral to other agencies. However, a decision shall always be rendered within sixty (60) days of the date a complete application is submitted. A decision of the Administrator may be appealed in accordance with the appeal provisions of Section 2-4-1.

b. Board of Supervisors Approval After A Public Hearing - DMP-b

This decision-making path relates to all development approvals granted by the Board of Supervisors after the conduct of a public hearing. This DMP will involve the solicitation of comments and recommendations from staff, local boards and commissions and other governmental entities before a final decision is made. Public hearings shall be held after public notice is provided in accordance with the public notice provisions of Section 2-3.

The Land Use Administrator shall forward a complete application to the Commission which shall hold at least one (1) public hearing in accordance with the public notice requirements of Section 2-3. Following the hearing, the Planning Commission shall prepare and by motion approve its recommendation, which may include changes to the original application proposal, and transmit such recommendations, together with any explanatory materials, to the Board of Supervisors. The Planning Commission's recommendation shall state the public purposes upon which their recommendation is premised. Failure of the Planning Commission to submit a recommendation to the Board of Supervisors within ninety (90) days of the first meeting of the Commission after the application had been referred to it shall be deemed as a recommendation for approval, unless the application is withdrawn by the applicant prior to the expiration of such time period. The Board will conduct a public hearing advertised in accordance with the public notice provisions specified in Section 2-3. Approval or denial by the Board shall occur within forty-five (45) days after receipt of all state approvals or ninety (90) days after submission of a complete application, whichever is greater. The applicant may relieve the Board and Planning Commission of rendering a decision within the time periods provided if done so in writing prior to the expiration of the time period. A decision by the Board may be appealed in accordance with appeal and provisions of Section 2-4-2.

c. Board of Supervisors Approval, Public Hearing Not Required - DMP-c

This decision-making path relates to all development approvals granted by the Board of Supervisors which do not require a public hearing. DMP-c may involve the solicitation of comments and recommendations from staff, local boards and commissions, and other governmental entities before a final decision is made. Appeals may be made in accordance with the appeal provisions of Section 2-4-2.

d. Board of Zoning Appeals' Approval - DMP-d

This decision-making path relates to all zoning appeals and requests granted by the Board of Zoning Appeals (BZA). DMP-d involves the conduct of a public hearing after public notice has been provided in accordance with the public notice provisions of Section 2-3. Solicitation of comments and recommendations from the Planning Commission is mandatory before a decision is rendered. Comments and recommendations may also be solicited from staff, local boards and commissions, and other governmental entities before a final decision

is made. Appeals may be made in accordance with the appeal provisions of Section 2-4-2.

e. Wetlands Board Approval - DMP-e

This decision-making path relates to all development approvals granted by the Wetlands Board. The Wetlands Board conducts a public hearing not later than sixty (60) days after receipt of an application for a proposed regulated activity within tidal wetland areas. Public hearings are conducted after public notice has been provided in accordance with the public hearing provisions of Section 2-3. It is mandatory that the applicant, the Board of Supervisors, the Commissioner of the Virginia Marine Resources Commission, the owner of record of any land adjacent to the wetlands in question, the Virginia Institute of Marine Science, the Department of Game and Inland Fisheries, the State Water Control Board, the Department of Transportation and any governmental agencies expressing an interest therein be notified of the hearing by mail not less than twenty (20) days prior to the date set for the hearing. Solicitation of comments and recommendations from staff, local boards and commissions and other governmental entities occurs before a final decision is made. Appeals may be made in accordance with the appeals procedure of Section 2-4-2.

2-2 PLAN OF DEVELOPMENT PROCESS

The administration of this Ordinance focuses on a plan of development submission and review process which provides for the review of development proposals requiring subdivision and/or site plan submissions.

2-2-1 APPLICATION OF THE PLAN OF DEVELOPMENT PROCESS

- a. For purposes of this Ordinance, the following activities shall be considered to be developments which shall adhere to the requirements of this section:
- (1) Land Disturbing Activity - Any land disturbing activity which would disturb an area 2,500 square feet or greater in size.
 - (2) Subdivision - The division of land into two or more lots.
 - (3) Change in use - A material change in the type of use of a structure or land, whether temporary or permanent, which would tangibly affect the site's natural environment, parking requirements, transportation patterns, public health or economic values.
 - (4) Construction, reconstruction or alteration - A building operation involving construction, reconstruction or alteration of the size of a structure which would result in a tangible effect on the site's natural environment, parking requirements, transportation patterns, public health or economic values.
 - (5) Increase in land use intensity - A material increase in the intensity of land use, such as an increase in the number or size of businesses, manufacturing establishments, offices or dwelling units in a structure or on land, when such increase

would tangibly affect the site's natural environment, parking requirements, transportation patterns, public health or economic values.

- (6) Mining, filling or dredging - Commencement of any mining, filling or dredging operation on a parcel of land.
 - (7) Change in effects of conditions - In connection with the use of land, the making of any material change in noise levels, vibration levels, lighting intensity, thermal conditions, odors or emissions of waste material.
 - (8) Alteration of a shore, bank or floodplain - Material alteration of a shore, bank, floodplain of a river, stream, lake, other natural water body, or any area within the Resource Protection Area (RPA).
 - (9) Reestablishment of an abandoned use - Reestablishment of a use on land (excluding forestry and farming activities) or in a structure which has been abandoned for one year or more and which use, site and structure do not conform to this Ordinance.
- b. The following activities shall not be considered development requiring the submission of a plan of development to the Land Use Administrator for review unless the activity is not permitted or is restricted in any base or overlay zoning district. When requested by an applicant in writing, the Land Use Administrator will reply in writing formally confirming the exempt status of the proposal.
- (1) Minor Land Disturbing Activities - Minor land disturbing activities such as home gardens and individual landscaping, repairs and maintenance work.
 - (2) Service Connections - Individual service connections.
 - (3) Underground Utilities - Installation, maintenance or repair of any underground public utility lines when such activity occurs on an existing hard surfaced road, street or sidewalk, provided the land-disturbing activity is confined to the area of the road, street or sidewalk which is hard-surfaced.
 - (4) Agricultural Activities - Tilling, planting, or harvesting of agricultural, horticultural, or forest crops or livestock feedlot operations, including agricultural engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation.
 - (5) Transfer of Title - A transfer of title to land not involving the division of land into parcels.
 - (6) Leases and Easements - The creation or termination of leases and easements concerning development of land, or other rights, except that no easement required by this chapter or made a condition of plan of development approval may be terminated without the approval of the County.
 - (7) Legal Exhibits and Documents - The recording of any documents or plats/plans expressly for the purposes of reference or

attachment to a publicly recorded document when such recording does not result in subdivision of land into parcels. Such recording may include, but is not limited to, documents such as master deeds or covenants, or plats/plans for mortgage or HUD filing purposes.

- (8) Combination or Recommendation of Lots - The combination or recombination of portions of previously platted lots where the total number of lots is not increased, no new streets are created, and the resultant lots do not in any way result in a newly created or diminished state of compliance with the requirements of this Ordinance.
- (9) Sale or gift of a single division of a lot or parcel to each member of the immediate family of the property owner which shall not be for the purpose of circumventing this Ordinance; shall be subject to the minimum lot area, dimensional and environmental requirements of this Ordinance; shall not result in the creation of new streets; and shall be surveyed and then recorded in the Courthouse. For the purpose of this section, a member of the immediate family is defined as any person who is a natural or legally defined offspring, including spouse, parent, grandparent or grandchild of the owner.
- (10) The sale or exchange of parcels between adjoining property owners where such sale or exchange does not create additional building sites, streets, or a lot or parcel which does not meet the minimum area and dimensional requirements of this Ordinance.
- (11) The division of a tract of land in order that one or more of the resulting parcels may be used as part of a well lot, public utility right-of-way, or other public or private right-of-way other than a street, provided no additional building lots or streets are created.
- (12) The partition of lands by court order.
- (13) Where a viable dwelling unit exists on a large tract of property on or before August 10, 1989, a lot may be created to include the dwelling unit provided the density of the resultant parcels shall not be greater than one dwelling unit per acre. Such a lot must meet the area and dimensional requirements of this Ordinance. An existing legal right-of-way will be sufficient to provide access to the lot as long as the lot created is precluded from future subdivision by deed restrictions and no new streets are created.
- (14) Divisions of large tracts of property where the resultant parcels shall be used for agricultural, forestal or other undisturbed open space provided such parcels are served by no newly created streets, but instead are served by a private right-of-way with a minimum width of twenty-five (25) feet. The plats and deeds for such parcels shall show that the parcels are not for residential or any other use except for those uses stated above.
- (15) Maintenance, Renewal, Improvement or Alteration - Work for the maintenance, renewal, improvement or alteration of any structure which involves no material change of use and is confined to the interior in its entirety and exterior facade,

excluding signs.

- (16) Incidental Dwelling Uses - The use of any structure or land devoted to single family dwelling uses for any purpose customarily associated with the enjoyment of such dwelling.
- (17) Home Occupations Within - Home occupations confined entirely within a residential structure and clearly as a secondary use, with no advertising of the home occupation allowed on the site or on the structure, and no disruption to the normal character of the neighborhood or area.
- (18) Temporary Uses, Non-Material - Those activities of short duration or of a seasonal nature which do not materially affect the site's natural environment, parking requirements, transportation patterns, public health or economic values.
- (19) Public Projects - The construction of any public street or other public way, grounds, building, structures or public utility which was approved by a public agency under separate, comparable administrative procedures.
- (20) The submission of a site plan for a detached dwelling unit used solely for residential purposes and/or its accessory buildings and uses on a lot, including customary accessory buildings incidental to farms, shall not be necessary unless required as part of one of the Rural Open Space and Conservation (ROSCO) development options (Sections 3-10-5 to 3-10-9), or special use permit request, or if the proposed land disturbing activity results in a land disturbance exceeding 2,500 square feet in area, or if any encroachment into or disturbance of a Resource Protection Area (RPA) is proposed. All structures or land disturbing activities must comply with the requirements of Sections 3-13, 3-14, and 3-15.

2-2-2 PRE-APPLICATION CONFERENCE

An applicant or the applicant's authorized representative are strongly urged to arrange a pre-application conference with the Land Use Administrator. The purpose of the conference is to:

- a. Acquaint the applicant with the substantive and procedural requirements of this Ordinance.
- b. Provide for an exchange of information regarding the proposal as well as applicable elements of the comprehensive plan and pertinent regulatory and submission requirements.
- c. Advise the applicant of any known state or federal permits which must be obtained.
- d. Identify policies, regulations and site features that create opportunities or pose significant constraints for the proposed development.
- e. Obtain copies of all necessary application forms.
- f. Order a Resource Inventory for Pre-Development Planning and Design as provided for in Section 2-2-4.

2-2-3 DEVELOPMENT PERMIT APPLICATION

An application for a development permit shall consist of the following materials in sufficient copies as determined by the Land Use Administrator to permit an expeditious and comprehensive review.

- a. A completed development permit application form, together with the required fee, providing an explanation of intent, stating the nature of the proposed request, pertinent background information, and other information that may have a bearing on determining the action to be taken.
- b. Evidence that the property affected by the application is in the exclusive ownership or control of the applicant or that the applicant has the written consent of all partners in ownership of the affected property.
- c. A plan of development as required by Section 2-2-5.
- d. Resource Inventory for Pre-Development Planning and Design (Section 2-2-4).
- e. Additional information required by other sections of this Ordinance because of the type of development proposed, the area involved, or the impact associated with the request.

2-2-4 USE OF A RESOURCE INVENTORY FOR PRE-DEVELOPMENT PLANNING AND DESIGN REQUIRED WITH EVERY APPLICATION FOR DEVELOPMENT

Unless waived in whole or in part as provided by Section 2-2-7, all applications shall be accompanied by a Resource Inventory for Pre-Development Planning and Design (Resource Inventory). The Resource Inventory shall consist of a composite inventory map of the site's significant and sensitive natural and cultural resources. The decisions rendered by Richmond County in consideration of applications for development will be based in large part on the sensitivity of the applicant's proposal as it relates to these significant and sensitive features. Richmond County will look most favorably upon development proposals which preserve, protect and accommodate resources through the careful positioning and placement of land development activities away from these resources.

This map will be generated by the Richmond County Resource Information System, a computer database, and provided to prospective applicants upon request and in return for payment of the prescribed fee. Prospective applicants are encouraged to secure this information from the Land Use Administrator at the Pre-Application Conference (Section 2-2-2) so it can be used as a basis for the development of sketch plats/plans (Section 2-2-8) and subsequent submittals. Resource factors included in the Resource Inventory for Pre-Development Planning and Design are tidal wetlands, tidal shores, connected and non-connected nontidal wetlands, flood plains, steep slopes, highly erodible and permeable soils, historic and archaeological sites, septic suitability, prime agricultural lands, significant habitat areas, and significant viewsheds. The Land Use Administrator/plan-approving authority may require original fieldwork particularly as it relates to RPA delineation if deemed necessary in order to ensure the highest level of accuracy.

2-2-5 SUBMISSION OF A COMPLETE DEVELOPMENT PERMIT APPLICATION

Application materials shall be submitted to the Land Use Administrator, who shall indicate the date of submission on the application. Within

ten (10) working days after the date of submission, the Land Use Administrator shall determine whether an application is sufficiently complete to be forwarded along the proper DMP. If the Land Use Administrator determines that the application is incomplete or the necessary attachments have not been submitted, he shall immediately notify the applicant of this negative determination by mail or otherwise convey an explanation to the applicant. An application for which a negative determination has been made may be resubmitted (without charge if the original fee submission was as required) after it is revised to overcome the reasons for the negative determination. If a development permit application is in conformance with the submission provisions of this Ordinance, the Land Use Administrator shall accept it, deem it to be complete, note the date of acceptance, assign an application number, and initiate application processing in accordance with the appropriate DMP.

2-2-6 DOCUMENTS TO BE SUBMITTED

- a. The documents to be submitted are intended to provide the plan-approving authority with sufficient information and data to ensure that the proposed development meets the zoning, and design and improvement standards contained in this Ordinance. The documents to be submitted will vary depending upon the nature of the development request and the approvals required to be obtained. The documents and details to be submitted are indicated within Exhibit 4.

- b. Submission of a Community Impact Analysis

The potential impact of certain development proposals on the County, as well as any development in close proximity to naturally or culturally significant areas, may require a more detailed level of scrutiny on the part of the plan-approving authority. If it is deemed that a project may be of potential negative impact which would compromise the integrity of the Comprehensive Plan, or be inconsistent with the purposes of this Ordinance as stated in Section 1-3 or with the overall spirit of this Ordinance, the plan-approving authority may require the submission of a Community Impact Analysis. The precise content of a Community Impact Analysis will be made specific by the plan-approving authority in response to the specific concerns it has with the development proposal. However, the scope of issues which the plan-approving authority could request the applicant to address include, but are not limited to:

- Archaeological and Historic Surveys
- Cultural and Natural Resource Impact Studies
- Fiscal Impact Analysis
- Governmental Services Impact Analysis
- Groundwater Studies
- Residential and Commercial Market Studies defining capacity for growth and the impact of the proposal on existing markets
- Traffic Impact Analysis
- Utility Analysis

2-2-7 WAIVER OF SUBMISSION REQUIREMENTS

The Land Use Administrator may waive all or some of the submission requirements for those applications within DMP-a if he has determined that a complete and thorough review of the application can be accomplished without submittal data which is absent. The Land Use

Administrator shall document the reasons for waiving submission requirements.

The plan-approving authorities within DMP-b to DMP-e will make the final determination if a waiver from submittal requirements is warranted. The fact that the Land Use Administrator may label an application within DMP-b to DMP-e as complete for processing does not preclude the approving entity from requesting the submission of clarifying information or additional data.

2-2-8 SUBMISSION OF SKETCH PLATS AND SKETCH PLANS

A conceptual sketch of the proposed subdivision or site plan is not required but is strongly recommended as an option which may help expedite the review of an application. The submission of a conceptual sketch affords the applicant the opportunity to discuss the proposal in its formative stages and receive the advice of the Land Use Administrator relative to procedural requirements and applicable ordinance provisions. The applicant shall submit two (2) copies of the sketch along with a completed application form. The conceptual sketch should contain sufficient information accurately depicted in order to permit the Land Use Administrator to responsibly and responsibly be of assistance. The Land Use Administrator shall return a marked up copy of the sketch plat/plan to the applicant depicting any comments and recommendations. The second copy and accompanying application form will be retained for filing.

2-2-9 SIMULTANEOUS REVIEW OF PLATS AND PLANS AND OTHER REQUESTS

- a. Where a proposed subdivision is a part of a development for which site plan approval is required, the subdivision plat/plan and the site plan will be reviewed at the same time as nearly as possible under the requirements of these regulations.
- b. With the approval of the plan-approving agent, applications for preliminary and final approval may be combined into a single submission requesting final approval.
- c. Plats and plans may be approved conditionally pending receipt of other approvals such as variance relief, wetlands permits, special use permits, etc.

2-2-10 SUBMISSION OF A MINOR SUBDIVISION/SITE PLAN

- a. Any applicant requesting approval of a proposed minor subdivision (creation of two additional lots or less, no new roads) and/or minor site plan (activities and uses associated with an individual single family home) shall submit five (5) copies of the Plan required by this Ordinance along with a completed application form and the prescribed fee to the Land Use Administrator.
- b. The application will be declared completed or incomplete within ten (10) days.
- c. Final action will be taken by the Land Use Administrator within thirty (30) days if no public hearings are required for simultaneous wetlands applications, waivers, variance requests, etc.

2-2-11 SUBMISSION OF A MAJOR SUBDIVISION/SITE PLAN

All major subdivisions and site plans shall be processed as specified below.

2-2-11a GENERAL DEVELOPMENT PLAN

Applicants of major site plans exceeding 10 acres (as measured by the limits of development) or major subdivisions of 50 or more proposed lots shall have the option of dividing preliminary approval into two parts: Phase One - General Development Plan, and Phase Two - Preliminary Approval. This will enable the applicant to present large scale plans with a description, but not full engineering details as part of Phase One. With conditional Phase One approval, the applicant can proceed with a higher level of confidence to Phase Two during which significant engineering expenses are generally incurred.

Fifteen (15) sets of all required submission materials shall be submitted to the Land Use Administrator for distribution to the Planning Commission. The procedures of DMP-b will be utilized.

It may be necessary for additional sets of original or revised materials to be submitted to facilitate agency reviews and for the use of the Board after the Planning Commission has forwarded their recommendation to the Board for final action.

2-2-11b ADMINISTRATIVE MAJOR SUBDIVISION/SITE PLAN APPROVAL

Major subdivisions resulting in the creation of less than 50 lots and/or site plans on areas of less than 10 acres (as measured by the limits of development) may be approved by the Land Use Administrator in accordance with the procedures of DMP-a. At his option, the Land Use Administrator may refer the application to the Planning Commission for review and comment and/or to the Board of Supervisors for preliminary approval in accordance with the procedures of DMP-c. The Board, at its option, may elect to process such a request in accordance with DMP-b.

Five (5) complete sets of submittal materials shall be submitted for processing in accordance with DMP-a. If DMP-b or DMP-c is utilized, fifteen (15) complete sets shall be submitted.

Final approval shall be contingent upon the acceptance of any required performance and maintenance guarantees as per Section 2-6 of this Ordinance.

2-2-11c MAJOR SUBDIVISION/SITE PLANS APPROVAL BY THE BOARD OF SUPERVISORS

Major preliminary subdivisions resulting in the creation of 50 lots or more, and site plans on areas 10 acres or greater in size (as measured by the limits of development) shall be processed in accordance with DMP-b.

Major final plat/plan approval shall be processed in accordance with DMP-c. Final approval shall be contingent upon the acceptance of any required performance and maintenance bonds as per Section 2-6 of this Ordinance.

2-2-11d EFFECT OF GENERAL DEVELOPMENT PLAN/PRELIMINARY SUBDIVISION/SITE PLAN APPROVAL

- (1) The applicant shall have not more than twelve (12) months after receiving official notification concerning tentative approval of a general development plan to submit an application for Phase Two - preliminary approval. Failure to do so shall make the general development plan approval null and void. The Land Use Administrator may grant an extensions of this time limit for a total of no more than one (1) year if requested to do so in writing, provided sufficient justification is given by the applicant.
- (2) The applicant shall have not more than six (6) months after receiving official notification concerning approval of a preliminary plat/plan to submit an application for final plat/plan approval. Failure to do so shall make preliminary approval null and void. The Land Use Administrator may grant an extension of this time limit for a total of not more than one (1) year if requested in writing, provided sufficient justification is given by the applicant. Remaining sections of a phased development plan shall not become null and void as long as final plats/plans are submitted for approval with no lapse exceeding three (3) years in

time between the submittal of final sections.

2-2-11e EFFECT OF FINAL APPROVAL OF SUBDIVISIONS AND SITE PLANS

- (1) A single black line print and a film positive of an approved major final site plan shall be submitted to the Land Use Administrator for filing. An approved final site plan shall be null and void if, in the opinion of the Land Use Administrator, no significant work is done or development is made on the site within twelve (12) months after the date of major or minor site plan approval. A single one year extension upon written request of the applicant with sufficient justification may be granted by the Land Use Administrator.
- (2) Five black line prints of an approved final subdivision plat shall be submitted to the Land Use Administrator for signatures. When a final subdivision plat has been approved, executed and acknowledged in accordance with the provisions of this article, it shall be recorded in the Office of the Clerk of Circuit Court of Richmond County within six (6) months after final approval. No final plat of a subdivision shall be recorded unless and until it has been submitted to and approved by the County; and no Clerk or Deputy Clerk of the Circuit Court of the County shall file or record a subdivision plat until the plat has been approved by the County and unless the plat is submitted for recordation within six (6) months of the date of final approval by the County. Unless the approved plat is filed for recordation within six (6) months after final approval, such approval shall be withdrawn and the plat marked void and returned to the applicant.

2-2-12 ADJUSTMENTS TO APPROVED SITE PLANS

After a site plan has been approved, minor adjustments to the site plan, which comply with the spirit of this Ordinance and with the general purpose of the Comprehensive Plan for development of the area, may be approved by the Land Use Administrator with notice of the change given to the original plan-approving authorities. Deviation from an approved site plan without the written approval of the Land Use Administrator shall void the plan and the applicant shall be required to resubmit a new site plan for consideration.

Any major revision of an approved site plan may be made in the same manner as originally approved and any requirements of this Ordinance may be waived by the Land Use Administrator in specific cases where such requirement is found to be unreasonable and where such waiver will not be adverse to the purpose of this Ordinance.

2-2-13 ADJUSTMENTS TO APPROVED SUBDIVISION PLATS

No change, erasure or revision shall be made on any preliminary or final plat, nor on accompanying data sheets after approval of the County has been endorsed in writing on the plat unless authorization for such changes have been granted in writing by the Land Use Administrator.

2-2-14 WETLAND PERMITS REQUIRED BEFORE FINAL APPROVAL

No final approval will be granted until evidence of approvals for all wetland permits required by law are submitted to the Land Use Administrator.

2-3 PUBLIC NOTICE REQUIREMENTS

Prior to a public hearing as required by DMP-b, DMP-d and DMP-e, notice as required by this section shall be given. No final decision shall be rendered on an application requiring a public notice until notice is given. Notice of pending applications need not be advertised in full, but may be advertised by reference, provided that the place where a copy of the application or proposal may be viewed shall be included in the notice.

- a. Notice shall be published once a week for two successive weeks (at least six days apart) in a newspaper having general circulation in the County. Notice shall specify the time and place of the public hearing, which shall be held not less than six days nor more than twenty-one days after the second advertisement shall have appeared. The Land Use Administrator, or his designee, will arrange for the publication of the newspaper notice.
- b. When notice is required by this Ordinance, written notice shall be sent by the Land Use Administrator, or his designee, in accordance with 15.1-431 of the Code of Virginia.
- c. Notice shall also be provided by the posting of at least one sign on the property in question by the Land Use Administrator, or his designee, at least 15 days prior to the date of the public hearing. Additional signs shall be required for properties with more than one road frontage. Signs shall be posted in the following manner:
 - (1) All signs shall be posted so as to assure the greatest public visibility practical.
 - (2) Signs shall be posted adjacent to the street right-of-way abutting the site, no more than ten (10) feet from the edge of said right-of-way. If more than one street abuts the site, at least one sign shall be posted along each abutting street. If no street abuts the site, at least one sign shall be posted along the closest public street, with a note added to locate the property in direction and distance from the sign.
 - (3) Signs shall be maintained in good condition until the public hearing, and shall be replaced if damaged or removed as soon as practical. It shall be a violation of this Ordinance to damage or remove a public notice sign erected under these provisions, and each sign shall carry a warning to this effect.
- d. The Land Use Administrator, or his designee who has performed notice as prescribed above, shall make affidavit to such and file it with the papers in the case.

2-4 APPEALS OF DECISIONS RENDERED

2-4-1 APPEALS OF ADMINISTRATIVE DECISIONS

- a. Any person aggrieved, or any entity of government affected by an order, requirement, decision or determination made by the Land Use Administrator in the administration or enforcement of the provisions of this Ordinance may file an appeal.

If the Land Use Administrator's action was in the administration and enforcement of Article 3 of this Ordinance, the appeal shall be heard by the Board of Zoning Appeals. This appellant process (DMP-d) requires a public hearing with notice provided in accordance with Section 2-4.

If the Land Use Administrator's action was in the administration and enforcement of any other section of this Ordinance, the appeal shall be heard by the Board of Supervisors. No public hearing is required.

- b. Appeals must be filed within thirty (30) days of the date of the decision by filing with the Land Use Administrator and the hearing board, a notice of appeal specifying the grounds for appeal. The Land Use Administrator shall transmit all the papers constituting the record upon which the action appealed from was taken to the hearing board. An appeal shall stay all proceedings in furtherance of the appealed action unless the Land Use Administrator certifies to the hearing board that by reason of the facts stated in his certificate, a stay would in his opinion cause imminent peril to life or property. In this case, proceedings shall not be stayed otherwise than by a restraining order granted by the hearing board or by a court of record, on application and on notice to the Land Use Administrator and for good cause shown.

2-4-2 APPEALS OF DECISIONS MADE BY THE BOARD OF SUPERVISORS, BOARD OF ZONING APPEALS AND THE WETLANDS BOARD

Every action contesting a decision of the Board of Supervisors, and the Board of Zoning Appeals shall be filed within thirty (30) days of such decision with the Clerk of Circuit Court of Richmond County. Appeals of the decisions of the Wetlands may be made as provided by Section 62.1-13.5 et. seq. of the Code of Virginia.

2-5 AMENDMENTS

2-5-1 INITIATING AN AMENDMENT

- a. Whenever the public necessity, convenience, general welfare or good zoning practice require, the Board of Supervisors may by ordinance amend, supplement, or change the regulations, district boundaries, or classifications of property. Any such amendment may be initiated:
 - (1) By resolution of the Board;
 - (2) By motion of the Planning Commission; or
 - (3) By submission of an application to the Land Use Administrator by the owner, contract purchaser with the owner's written consent, or the owner's agent for the property which is the subject of the proposed amendment.
- b. If an application for an amendment has been denied by the Board, substantially the same petition shall not be reconsidered within three hundred sixty-five (365) days of the denial. This provision

shall not impair the right of either the Planning Commission or the Board to propose any amendment to this Ordinance on their own motion at any time.

2-5-2 PROCESSING AN AMENDMENT REQUEST

Amendments shall be processed in accordance with DMP-b as described in Section 2-1-2b.

2-6 PERFORMANCE AND MAINTENANCE GUARANTEES REQUIRED BEFORE FINAL APPROVALS

1. Prior to receipt of a final approval for any development activity or as a condition thereof, all improvements required by this Ordinance shall be completed, or provisions made for their completion, in accordance with one of the following methods:
 - a. Installation and completion by and at the expense of the developer;
 - b. The furnishing by the developer of the Land Use Administrator of a certified check or a personal, corporate or property bond with case escrow or other method of performance guarantee approved by the County Attorney. This guarantee should be sufficient to cover the cost of all improvements required to be installed by the developer as estimated by the Land Use Administrator; or
 - c. The furnishing by the developer to the Land Use Administrator of evidence of the existence of agreements between the developer and qualified contractors for the installation and completion of the improvements and the contractors' performance guarantees for the benefit of the County and the developer, and satisfactory to the County Attorney, in an amount sufficient to cover the cost of all the improvements required to be installed by the developer as estimated by the Land Use Administrator.
2. In the event that the developer elects to proceed by methods b. or c. as outlined in Section 2-6-1 above, the developer shall set a time, subject to the approval of the Land Use Administrator, by which it is estimated the improvements will be installed and the work in its entirety completed. Unless an extension of that time is approved by the Land Use Administrator and a new estimated date of accomplishment and completion of the improvements is established, the County, at its discretion, may make use of the performance guarantee.
3. Upon the completion of the installation of all improvements, the developer shall furnish a statement prepared by a certified surveyor or engineer, to the effect that all construction is in substantial conformity to the regulations and requirements of this Ordinance, and the plans as approved by the County. If this submittal is approved by the County, the bond, escrow or other guarantee of completion shall be released within thirty (30) days of receipt of written notice from the developer to the Land Use Administrator, unless such developer is notified in writing by the Land Use Administrator of a delay in such release and the reasons therefore. The County may retain up to 25 percent of the bond or other obligation for use in repair of improvements as may be necessary within one year of completion.
4. Any bond, escrow or guarantee posted in lieu of payment may be released in part as construction progresses if approved as

partially completed by the Land Use Administrator when do so in accordance with a predetermined release schedule.

5. In the event the developer has, in the opinion of the Land Use Administrator, just cause for not completing the improvements in the entire development where a satisfactory performance guarantee has been posted, the Land Use Administrator may release the developer from his obligation to complete all of the improvements in the development provided the developer furnishes a statement by a licensed surveyor or engineer to the effect that all construction which has been completed, conforms to the regulations and requirements of this Ordinance and the plans as approved by the County.

2-7 CERTIFICATE OF COMPLIANCE, BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

2-7-1 DEVELOPMENT PERMITS

a. Certificate of Compliance

The Land Use Administrator will issue a Certificate of Compliance for those proposals which have obtained all necessary approvals and permits and comply with this Ordinance before any building permits, manufactured home placement permits, and certificates of occupancy are issued by the Building Official. Certificates of Compliance will also be issued for all land disturbing activities, as defined.

b. Building Permits

A building permit shall be required before any building or other structure may be erected, altered, converted, reconstructed, relocated, extended or enlarged. When issued by the Building Official, such permit shall be valid for not more than six (6) months, unless otherwise provided.

c. Manufactured Home - Placement Permit

No manufactured home shall be placed for occupancy without the issuance of a placement permit from the Building Official.

d. Existing Permits

No building permit lawfully issued prior to the effective date of this Ordinance, and in full force and effect at said date, shall be invalidated by the passage of this Ordinance, or any amendment, but shall remain a valid permit, subject only to its own terms and provisions and Ordinances, rules, and regulations pertaining thereto, and in effect at the time of the issuance of such permit. However, all such permits shall expire not later than six (6) months from the effective date of this Ordinance, unless actual construction shall have begun and continued pursuant to the terms of the permit.

e. Plans to Accompany Applications for Permits

All applications for a development permit shall be accompanied by an approved plan resulting from a positive determination associated with its processing in accordance with Section 2-2 of this Ordinance. The Land Use Administrator may waive this requirement for an approved plan of development in whole or in part when such plan would be clearly unnecessary to a decision relative to the issuance of a development

permit or a certificate of occupancy.

2-7-2 CERTIFICATES OF OCCUPANCY

- a. No vacant land shall be occupied or used, except for agricultural uses associated with the operation of a farm, until a certificate of occupancy shall have been issued by the Building Official.
- b. No building or other structure shall be used, occupied, or changed in use, until a certificate of occupancy has been issued by the Building Official, stating that the building or other structure or proposed use of a building or other structure complies with the building code and the provisions of this Ordinance.
- c. A certificate of occupancy shall be applied for along with the application for a building permit and shall be issued within 10 days after the erection or structural alteration of such buildings or other structures when completed in accordance with the provisions of this Ordinance.
- d. A certificate of occupancy may be issued for a part of a building or other structure or development or section thereof if completed in accordance with the provisions of this Ordinance and the building code even though the entire building or other structure or development or section thereof has not been completed. The Building Official must find however that such occupancy is consistent with the public health, safety and welfare.
- e. The Building Official may issue a temporary and contingent certificate of occupancy for a period not to exceed six (6) months where, because of the unusual nature of the uses, a trial period of operation is, in the Land Use Administrator's opinion, the most appropriate way to determine actual compliance with the provisions of this Ordinance.
- f. The Land Use Administrator may require the applicant to post a performance guarantee as provided by Section 2-6 sufficient to guarantee the completion, by a specific time, of site improvements related to the buildings and structures for which a certificate is sought.

2-8 APPLICATION FEES AND ESCROW SCHEDULE

Application fees as determined by the Board of Supervisors are to cover the administrative costs incurred by the County in processing applications and are non-refundable. After an application is submitted to the Land Use Administrator, the applicant may be required to execute an escrow agreement with the County. The escrow accounts are to pay all necessary and reasonable costs incurred by the County for the professional review of an application by an Engineer, Planning Consultant, Attorney, and other professionals retained by the County to review and make recommendations on an application for development. The amounts specified for escrow are estimates which shall be paid prior to certification of a complete application. If the amounts posted are more than those required, the excess funds shall be returned to the applicant within fourteen (14) days of the issuance of a certificate of occupancy for the project. In the event that more than the amounts specified for escrow are required to pay the reasonable costs incurred, the applicant shall pay all additional sums required prior to being permitted to take

the next step in the approval procedure, or in any event, prior to obtaining certificates of occupancy for any element of the project. The Land Use Administrator shall determine whether there are sufficient amounts in the escrow fund to pay pending bills. If there are insufficient funds in escrow, the Land Use Administrator will notify the applicant of the amounts needed. In addition to these terms, the escrow agreement may include any additional terms which are agreed to by the applicant and the Land Use Administrator. The Land Use Administrator shall maintain an itemized account for each application and shall, upon the request of the applicant, supply a copy of said request. All charges against any escrow account shall be made by purchase order and voucher and shall be approved by the County Administrator.

2-9 VIOLATIONS, ENFORCEMENT AND PENALTIES

2-9-1 VIOLATIONS

- a. In case any lot, building or other structure is erected, constructed, altered, repaired, converted, or used in violation of this Ordinance, the Land Use Administrator shall serve notice on the person committing or permitting the violation. If the violation has not ceased within a reasonable time specified by the Land Use Administrator, action appropriate to terminate the violation shall be taken.
- b. Where there is reasonable cause to believe that violation of this Ordinance has occurred, the Land Use Administrator or his authorized representative may enter the premises for the purpose of inspection. Where permission to enter is withheld, the Land Use Administrator shall seek a court order from the General District Court of Richmond County. A search warrant from a magistrate of the jurisdiction may be issued to facilitate inspection.

2-9-2 ENFORCEMENT

The Land Use Administrator shall be vested with all necessary authority on behalf of the County to administer and enforce this Ordinance and any approvals including conditions attached to a rezoning or amendment to a zoning map such as:

- a. The order in writing of the remedy of any noncompliance with such conditions;
- b. The bringing of legal action to ensure compliance with such conditions including injunction, abatement or other appropriate action or proceeding; and
- c. Requiring the submittal of performance and maintenance guarantees as specified in Section 2-8.
- d. After having served a notice of violation on any person committing or permitting an infraction of the Ordinance provisions specified in Section 2-9-3b(3) and if this violation has not ceased within the reasonable time specified in the notice, then upon the approval of the County Attorney, the Land Use Administrator shall cause two (2) copies of a summons to be served to the person, either by certified mail, return receipt requested, or by posting on the front door of the abode of such person.

The summons shall contain the following information:

The name and address of the person charged.

The nature of the infraction and the Ordinance provision(s) being violated.

The location, date and time that the infraction occurred or was observed.

The amount of the civil penalty assessed for the infraction.

The manner, location and time in which the civil penalty may be paid to the County.

The right of the recipient of the summons to elect to stand trial for the infraction and the date for such trial.

The summons shall provide that any person summoned for a violation may elect to pay the civil penalty by making an appearance in person or in writing by mail to the County Treasurer at least seventy-two (72) hours prior to the time and date fixed for trial and, by such appearance, may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such summons shall provide that a signature to an admission of liability shall have the same force and effect as a judgment of court, however, an admission shall not be deemed a criminal conviction for any purpose.

2-9-3 PENALTIES

The owner or any person acting for the owner who assists in the violation of this Ordinance, shall each be guilty of a separate offense and upon conviction, punished as provided below.

a. Any violation of the provisions of this Ordinance, other than those specified in Section 2-9-3b below, shall be deemed a misdemeanor and shall be punishable by a fine of not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00). Each day such violation exists shall constitute a separate offense.

b. Infractions and Civil Penalties

(1) A violation of Ordinance provisions identified in Section 2-9-3b(3) shall be deemed an infraction and shall be punishable by a civil penalty consisting of a fine of \$100.00. Each day such violation exists shall constitute a separate offense. However, in no event shall violations arising from the same set of facts be charged more frequently than once in any ten-day period, and in no event shall a series of violations arising from the same set of facts result in civil penalties which exceed a total of \$3,000.00.

(2) Violations pursuant to Section 2-9-3b shall be in lieu of criminal penalties unless the violation resulted in injury to any person or persons, in which case the Land Use Administrator may seek prosecution of a violation as a criminal misdemeanor as provided for by Section 2-9-3a. If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the General District Court in the same manner and with the same right of appeal as provided by law. A finding of liability shall not be deemed a criminal conviction for any purpose. The remedies provided for in this section shall be in addition to any other remedies provided by law.

- (3) Violation of the following provisions of this Ordinance shall be deemed an infraction punishable by civil penalties.
- (a) Section 3-16-3a(1) relating to satellite dish placement.
 - (b) Sections 3-16-3a(11) and 3-16-3b(1) relating to the placement and nature of fences and walls.
 - (c) Section 3-16-3a(7) relating to the keeping of an excessive number of commonly accepted domesticated animals.
 - (d) Section 3-16-3a(16) relating to the keeping of farm and non-domesticated animals in certain specified areas of the ROSCO district.
 - (e) Section 3-16-3c relating to the locational requirements for accessory uses.
 - (f) Section 3-16-4 relating to home occupations.
 - (g) Section 4-3-13 relating to maintenance of site triangles.
 - (h) Section 4-9 only as it relates to the posting and maintenance of signs on private property.
 - (i) Section 4-10 relating to the provision of adequate lighting.

No ordinance provision to which Section 2-9-3b(3) relates shall allow the imposition of civil penalties for the enforcement of the Uniform Statewide Building Code, land development activities relating to the construction or repair of buildings and structures, erosion and sediment control as provided in Section 4-8 and the provisions of the Waterfront Management (WATER) Overlay District as provided in Section 3-14.

**ARTICLE 3
ZONING**

This Article of the Land Management Ordinance divides the County into base and overlay zoning districts which facilitate the management of the use, placement, and spacing and size of land and buildings during the land development process while at the same time, balancing this development against regulations providing for the protection of significant and sensitive natural and cultural resources.

3-1 ZONING DISTRICTS

3-1-1 ESTABLISHMENT

The unincorporated areas of Richmond county are divided into the following base and overlay districts:

<u>Section</u>	<u>Base Zoning Districts</u>	<u>Base District Designations</u>
3-10	Rural Open Space and Conservation	"ROSCO"
3-11	Rural Business and Commercial	"SHOPPING"
3-12	Rural Workplace	"WORK"
<u>Section</u>	<u>Overlay Zoning Districts</u>	<u>Overlay District Designations</u>
3-13	Historic and Scenic	"HISTORIC RICHMOND"
3-14	Waterfront Management	"WATER"
3-15	Affordable Housing	"AFFORDABLE"

3-1-2 APPLICABILITY OF ZONING DISTRICTS; EFFECT OF OVERLAY ZONING DISTRICTS

All lands existing within the County are situated within a base zoning district and are shown on the Official Zoning Map and as listed above, and as described within Article 3, and shall be subject to applicable provisions of that district. In addition, certain lands may be situated within one or more of the overlay zoning districts listed above and as described within this Article, and shall also be subject to applicable provisions of the overlay district(s) where a certain property may be so situated that it lies within both a base zoning district and one or more overlay zoning districts, the regulations and standards of both the base and overlay zoning district(s) shall be applicable to the development and use of such property. Where specific regulations or standards regarding a property so situated may conflict, the more restrictive regulation or standard shall be applicable.

3-2 OFFICIAL ZONING MAP

3-2-1 OFFICIAL ZONING MAP OF RICHMOND COUNTY, VIRGINIA

The unincorporated areas of Richmond County are divided into districts depicted on a set of maps entitled "Zoning Map of Richmond County, Virginia" which, together with all explanatory matter thereon, is hereby

adopted by reference and declared to be a part of this Ordinance.

The official zoning map shall be identified by the signature or the attested signature of the Chairman of the Board of Supervisors, together with the date of adoption of this Ordinance. Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map, which shall be located in the office of the Land Use Administrator, shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in Richmond County.

3-2-2 AMENDMENTS TO THE OFFICIAL ZONING MAP

Whenever any amendment is made to the zoning map by action of the Board of Supervisors, such change shall be incorporated onto the zoning map at a time and in the manner as the Board of Supervisors may prescribe. Said changes shall be validated with reference to correct notation by the Land use Administrator, who shall affix his signature thereto, thereby certifying that approved amendments to the zoning map have been correctly incorporated. The date of official action and nature of the change shall be entered on the map. Any such change shall have the effect of law 12:01 a.m., on the day following its legal adoption or on its effective date, if officially established as other than on the day following its legal adoption, whether or not it has been shown on the zoning map.

3-2-3 UNAUTHORIZED CHANGES

No changes of any nature shall be made to the zoning map or any matter shown thereon except in conformity with the procedures and requirements of this Ordinance. It shall be unlawful for any person to make unauthorized changes on the zoning map.

3-3 INTERPRETATION OF DISTRICT BOUNDARIES

In construing the official zoning map, the following rule shall apply:

3-3-1 CENTER LINES AS BOUNDARIES

Where district boundaries appear to follow mapped center lines of streets, alleys, easements, waterways and the like, they shall be construed as following such center lines as exist on the ground except where the variation of actual location would change the zoning status of a lot or parcel or portion thereof, in which case the boundary shall be interpreted in such a manner as to avoid changing the zoning of any lot or parcel or portion thereof. In case of closure of a street or alley, or vacation of an easement, the boundary shall be construed as remaining at its location unless ownership of the closure or vacation area is divided other than at the center, in which case the boundary shall be construed as moving to correspond with the ownership, but not beyond any previous right of way or easement line. In the case of movement of any waterway, the boundary shall be construed as remaining at its location.

3-3-2 PROPERTY OR OTHER EDGE LINES AS BOUNDARIES

Where district boundaries appear to follow street, lot, property or

other edge lines, they shall be construed as following such lines.

3-3-3 BOUNDARIES OTHER THAN AS ABOVE

District boundaries which appear parallel or perpendicular to, or as extensions of or connecting center lines, edge lines, or other features shown on the map shall be so construed.

3-3-4 BOUNDARIES EXTENDING INTO WATER

Where the full course of boundaries extending into bodies of water is not shown, such boundaries shall be construed as continuing in a straight line to intersect with other zoning boundaries or to jurisdictional limits if no such intersection with a zoning boundary occurs first.

3-3-5 DIMENSIONS

Where dimensions are not otherwise indicated on the zoning map, the scale of the map shall govern.

3-3-6 UNCLASSIFIED AREAS

Where areas appear to be unclassified on the zoning map, and classification cannot be established by rules set forth herein, such areas shall be considered to be classified as within the Rural Open Space and Conservation Zoning District (ROSCO) until amending action is taken.

3-3-7 INTERPRETATION IN CASES OF UNCERTAINTY

Where application of the rules set forth above fails to establish the location of boundaries with sufficient accuracy for the purposes of these regulations, the Land Use Administrator shall determine the location, provided that no such interpretation shall be such as to divide a lot which was previously and apparently undivided by a district boundary.

3-3-8 JURISDICTIONAL BOUNDARY CHANGES

Where territory is removed from the jurisdictional area of the County, the outbound zoning boundaries of the County shall be considered to have moved with jurisdictional area boundary.

3-4 APPLICATION OF REGULATIONS

The regulations set by this Article within each district shall be minimum or maximum limitations as appropriate to the case and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

3-4-1 USE, OCCUPANCY AND CONSTRUCTION

No building, structure, or land shall hereafter be used or occupied, and

no building or structure or part thereof shall hereafter be constructed except in conformity with all of the regulations herein as specified for the district in which it is located. No variance shall be granted by the Zoning Board of Appeals with regard to use and density provisions. Any modification of the use and density provisions may be accomplished only through a rezoning of the property in question or an amendment to this Article; both of which are approved by the Board of Supervisors, or by the granting of a density bonus as provided by Section 3-18.

3-4-2 COMPLIANCE WITH HEIGHT, BULK AND LOT COVERAGE PROVISIONS

No building or other structure shall hereafter be erected or altered to exceed the height, bulk or coverage requirements of this Article.

3-4-3 REQUIRED YARD FOR ONE STRUCTURE, OR USE, NOT TO BE USED TO MEET REQUIREMENTS FOR ANOTHER

No part of a yard, required in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard similarly required for any other building.

3-4-4 REDUCTION OF LOTS OR LOT AREA BELOW THE MINIMUM PROHIBITED

No lot or lot area existing at the time this Ordinance becomes effective shall be reduced in dimension or area below the minimum requirements set forth herein. Lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

3-4-5 REDUCTION OF YARDS BELOW THE MINIMUM PROHIBITED

No yard existing at the time this Ordinance becomes effective shall be reduced in dimension below the minimum requirements set forth herein. Yards created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

3-5 BOARD OF ZONING APPEALS (BZA)

3-5-1 MEMBERSHIP

a. Composition

A Board of Zoning Appeals (BZA) shall consist of five (5) members who are residents of the County, and shall be appointed by the Circuit Court of the County. The BZA shall serve without pay other than for usual expenses associated with membership. Members shall be removable for cause upon written charges and after a public hearing. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term.

b. Term of Office

The term of office shall be for five years; except that the first term of the fourth and fifth members appointed shall be for a term of four years and three years respectively. One of the five members shall be an active member of the County Planning Commission. Vacancies

occurring in the BZA shall be filled for the unexpired term only.

c. Disqualification

BZA members shall disqualify themselves from participating in any way upon a matter before the Board in which their financial interests or those of their immediate family are directly involved.

d. Officers

The BZA shall elect annually its own chair and vice-chair who shall act in the absence of the chair. Through its chair, the BZA may administer oaths and compel the attendance of witnesses.

3-5-2 POWERS

Pursuant to the authority granted by the Code of Virginia, Chapter 11, Article 8, Section 15.1-494 and the processing path described in Section 2-1-2d of this Ordinance, the BZA shall have the following powers:

a. Hear and Decide Appeals

The BZA shall hear and decide appeals from any order, requirement, decision, interpretation, or determination made by an administrative officer in the administration or enforcement of this Article (except Section 3-14-4 pertaining to tidal wetland modification activities which are administered by the Wetlands Board).

b. Grant Variances

The BZA shall authorize upon appeal and application in specific cases such variances from the terms of this Article as will not be contrary to the public interest, when owing to special conditions, a literal enforcement of the provisions of this Article will result in unnecessary hardship; provided, that the spirit of this Ordinance shall be observed and substantial justice done in accordance with the provisions of this Article.

c. Other Powers

The BZA shall hear and decide all other matters referred to and upon which it is required to pass as provided by the provisions of this Article.

3-5-3 DUTIES

The BZA shall perform the following duties as are necessary to ensure the proper, accurate and timely disposition of all matters brought before it.

a. Institute Operational Procedures

The BZA shall institute operational procedures in order to:

- (1) Make, alter and rescind rules and forms for its procedures, consistent with the ordinances of this County and the general laws of the Commonwealth.
- (2) Prescribe procedures for the conduct of public hearings that it is required to hold.

- (3) Keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. The BZA shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Land Use Administrator and shall become public records.

b. Other

The BZA shall:

- (1) Employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical support services as deemed necessary and within the limits of funds appropriated by the Board of Supervisors.
- (2) Perform any additional activities as set forth in this Article.

3-6 GUIDING PRINCIPLES

In fulfilling the purposes and intent of this Ordinance as set forth in Article 1, the BZA in exercising the powers and duties granted and imposed by this Article, shall be guided by the following standards which shall be in addition to any other standards imposed by this Ordinance:

The use shall be in harmony with the policies embodied in the adopted comprehensive plan.

The agricultural character of the County shall be preserved by discouraging the inappropriate location of non-farm uses in agricultural areas.

The use shall be in harmony with the general purpose and intent of the applicable zoning district regulations including those associated with properties located within a Resource Protection Area (RPA).

The use shall not adversely affect the use or development of neighboring properties and be in accordance with all applicable zoning district regulations and any applicable provisions of the adopted comprehensive plan.

3-7 VARIANCE RELIEF

3-7-1 APPLICATION FOR A VARIANCE

An application for a variance shall be filed with and on forms furnished by the Land Use Administrator and shall include such information as the Land Use Administrator shall require as necessary to enforce the provisions of this Article. Applications for a variance shall be processed as described in Section 2-1-2d.

3-7-2 FINDINGS NECESSARY BEFORE THE ISSUANCE OF A VARIANCE

a. General

Variances may be granted by the BZA only after making specific findings

of fact based on the evidence before it. These findings of fact are as follows:

- (1) The property was acquire in good faith.
- (2) On the effective date of this Ordinance, the property is:
exceptionally narrow, or
exceptionally shallow, or
of exceptional size, or
exceptionally shaped, or
has exceptional topographic conditions or other extraordinary situation or condition of the use or development of property immediately adjacent to the subject property.
- (3) The condition or situation of the subject property or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to this Article.
- (4) The strict application of this Article would produce undue hardship, and such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.
- (5) The strict application of this Article would effectively prohibit or unreasonably restrict all reasonable use of the property, and the granting of a variance will alleviate a clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience sought by the applicant.
- (6) Authorization of the variance will not be of substantial detriment to adjacent property; the character of the zoning district will not be changed by the granting of the variance; and the variance will be in harmony with the intended purposes of this Ordinance and in keeping with the public interest.

b. Floodplain

- (1) In passing upon applications for variances within floodplain areas as regulated by Section 3-14, the BZA shall satisfy all relevant factors and procedures specified in other sections of this Ordinance and consider the following additional factors:

The danger to life and property due to increase flood heights or velocities caused by encroachments.

The danger that materials may be swept onto other lands or downstream to the injury of others.

The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

The importance of the services provided by the proposed facility to the community.

The requirements of the facility for a waterfront location.

The availability of alternative locations not subject to flooding for the proposed use.

The compatibility of the proposed use with existing development anticipated in the foreseeable future.

The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

The safety of access by ordinary and emergency vehicles to the property in time of flooding.

The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

Such other factors which are relevant to the purposes of this Ordinance.

- (2) The BZA may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.
- (3) Variances shall be issued only after the BZA has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense, and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.
- (4) Variances shall be issued only after the BZA has determined that the variance will be the minimum required to provide relief from any hardship to the applicant.
- (5) The BZA shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the one hundred (100)-year flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.
- (6) A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. All variances which are issued for lands in the floodplain shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

3-7-3 VARIANCES NOT AUTHORIZED

No variance shall be granted that would have the effect of:

- a. increasing the density permitted in a zoning district; or

- b. permitting any use not specified by the provisions of this Article in the zoning district in which the property is located; or
- c. altering any definition set forth in this Ordinance as it related to this Article, or

3-7-4 CONDITIONS ATTACHED TO VARIANCES

Any variance granted by the BZA shall be the minimum variance necessary to afford relief, and to this end, the BZA may permit a lesser variance than applied for. The BZA may also prescribe such conditions or restrictions applying to the approval of a variance as it may deem necessary in the specific case, in order to minimize the adverse effects of such variance upon other property in the neighborhood. Such conditions or restrictions shall be incorporated into the certificate of compliance and the building permit. The BZA may require a performance guarantee to insure that the conditions imposed are being and will continue to be complied with. Failure to comply with such conditions or restrictions shall constitute a violation of this Ordinance, and may constitute the basis for denial or revocation of a certificate of compliance, building permit or certificate of occupancy.

3-7-5 LAPSE OF VARIANCE

A variance granted under the provisions of this Article shall automatically lapse if substantial construction, in accordance with the plans for which such variance was granted, has not been completed within one year from the date of granting such variance or, if judicial proceedings to review the BZA's decision shall be instituted, from the date of entry of the final order in such proceedings, including all appeals.

3-8 PLANNING COMMISSION

3-8-1 MEMBERSHIP

The Planning Commission shall consist of fourteen (14) citizens of the County appointed by the Board of Supervisors for four (4) year terms.

3-8-2 POWERS AND DUTIES

With the staff support of the Land Use Administrator, the Planning Commission shall prepare and recommend for approval to the Board of Supervisors the Comprehensive Plan, the Official Map, Capital Improvement Program, and Ordinances related to orderly growth and development.

In addition, the Planning Commission shall:

- a. Exercise general supervision of, and make regulations for, the administration of its affairs;
- b. Prescribe rules pertaining to its investigations and hearings;
- c. Supervise its fiscal affairs and responsibilities, under rules and regulations as prescribed by the governing body;

- d. Keep a complete record of its proceedings; and be responsible for the custody and preservation of its papers and documents;
- e. Make recommendations to the BZA on matters related to BZA administration of this Article.
- f. Make recommendations and an annual report to the governing body concerning the operation of the Commission and the status of planning within its jurisdiction.
- g. Prepare, publish and distribute reports, ordinances, and other material relating to its activities.

- h. Prepare and submit an annual budget in the manner prescribed by the governing body of the County; and
- i. If deemed advisable, establish an advisory committee or committees.

3-9 CONDITIONAL ZONING

3-9-1 PURPOSE

It is the general policy of the County in accordance with the laws of the Commonwealth of Virginia to provide for the orderly development of land, for all purposes through the use of zoning and other land development regulations. Frequently where competing and incompatible uses conflict, traditional zoning methods and procedures are inadequate. In these cases more flexible and adaptable zoning methods are needed to permit land uses, and at the same time to recognize the effects of change. It is the purpose of this section to provide a more flexible and adaptable zoning method to cope with situations found in such zones through conditional zoning, whereby a zoning reclassification may be allowed subject to certain conditions proffered by the zoning applicant for the protection of the community that are not applicable to land similarly zoned. The provisions of this section are not to be used for the purpose of discrimination in housing.

3-9-2 PROFFER OF CONDITIONS

Any owner of property making application for a change in zoning or an amendment to the zoning map, as provided by Section 2-5, as part of the application may voluntarily proffer in writing reasonable conditions which shall be in addition to the regulations provided for in the zoning district or zone sought in the rezoning application. Any such proffered conditions must be made prior to any public hearing before the Planning Commission and the Board of Supervisors and shall be subject to the following limitations:

- a. The rezoning itself must give rise to the need of the conditions;
- b. The conditions shall have a reasonable relation to the rezoning;
- c. The conditions shall not include a cash contribution to the County;
- d. The conditions shall not include mandatory dedication of real or personal property for open space, parks, schools, fire departments or other public facilities except for the dedication of any street, curb, gutter, sidewalk, bicycle trail, drainage, water or sewage systems;
- e. The conditions shall not include payment for or construction of offsite improvements except for a pro rata share of water, sewage and drainage facilities;
- f. No condition shall be proffered that is not related to the physical development or physical operation of the property; and
- g. All conditions shall be in conformity with the Comprehensive Plan.

3-9-3 EFFECT OF CONDITIONS

Upon the approval of any such rezoning, all conditions proffered and accepted by the Board of Supervisors shall be deemed part thereof and nonseverable therefrom and shall remain in force until amended or varied by the Board of Supervisors in accordance with Section 15.1-491.6 of the Code of Virginia as amended. All such conditions shall be in addition to the regulations provided for in the zoning district by this Article.

3-9-4 ZONING MAP NOTATION AND RECORDS

Each conditional rezoning shall be designated on the zoning map by an appropriate symbol designed by the Land Use Administrator. In addition, the Land Use Administrator shall keep and maintain a conditional zoning index which shall be available for public inspection and which shall provide ready access to the ordinance creating such conditions.

3-9-5 SUBMITTAL REQUIREMENTS

Each application for rezoning which proposes conditions to be applied shall be accompanied by the following items beyond those required by conventional rezoning requests:

- a. A statement detailing the nature and location of any proffered conditions and those proposed circumstances which prompted the proffering of such conditions.
- b. A signed statement by both the applicant and owner in the following form:

I hereby proffer that the development of the subject property of this application shall be in strict accordance with the conditions set forth in this submission.

3-9-6 PROCEDURAL REGULATIONS AND REQUIREMENTS

Proffered conditions shall include written statements, development plans and materials proffered in accordance with the provisions of this Article and approved by the Board of Supervisors in conjunction with the approval of a change in zoning or an amendment to the zoning map.

Upon approval, any site plan, subdivision plat, or development plan thereafter submitted for the development of the property in question shall be in substantial conformance with all proffered conditions and no development shall be approved in the absence of substantial conformance. For the purpose of this section, substantial conformance shall mean conformance which leaves a reasonable margin for adjustment due to final engineering data but conforms with the general nature of the development, the specific uses and the general layout depicted by the plans and other materials presented by the owner and/or applicant.

3-10 RURAL OPEN SPACE AND CONSERVATION (ROSCO)

3-10-1 PURPOSE

The purpose of the Rural Open Space and Conservation District (ROSCO) is to encourage the preservation of open land for its scenic beauty, agricultural, forestal and recreational use, and to provide protected areas for significant and sensitive resources; to protect the value of real property; to promote more sensitive siting of buildings and better overall site planning; to perpetuate the traditional landscape of

Richmond County and the Northern Neck; to allow landowners a reasonable return on their holdings; to promote a better use of the land in harmony with its natural features through more flexible design; to facilitate the development of primary service areas within rural villages and to provide for the managed and planned expansion of the Town of Warsaw, the traditional centrally located focus of industry, commerce and government services within the County.

3-10-2

PERMITTED USES

Agriculture
Cemetery
Government Uses
Rural Estate House Option
Rural Farmstead Option
Rural Hamlet Option
Rural Village Option
Rural Development Option

One of the following uses is permitted on each lot of record existing on the date this Ordinance was enacted:

- A single family dwelling
- A church and other place of worship

3-10-3

SPECIAL USE PERMIT OUTSIDE OPTION AREAS

- a. Campground
- b. Hospital
- c. Rest Home
- d. Resort Development
- e. Wayside Stands
- f. Mining
- g. Bed and Breakfast
- h. Electric Substations, etc.
- i. Hunt Clubs
- j. Family Subdivisions, subject to the following requirements:
 - Lot Size 43,560 sq. ft.
 - Setbacks - Front and Rear 35 ft.
 - Side 15 ft.
 - Lots shall not be created in areas possessing RPA features, nontidal wetlands, slopes in excess of twenty-five percent (25%), or habitats of rare and endangered species.
 - Compliance with the AFFORDABLE, WATER, and HISTORIC RICHMOND overlay districts.
 - Compliance with the intent and purpose of the ROSCO zoning

district.

k. Warsaw Expansion Option

All land areas identified as "Area Proposed for Future Annexation" within a report entitled Town of Warsaw Annexation Plan dated November, 1985 may develop as a mixed use "village area" as provided for and in accordance with Section 3-10-8f through Section 3-10-8j, as well as applicable requirements within Section 4-18. Land Development proposals which choose instead to develop only residentially shall comply with the requirements related to "village area neighborhoods" as detailed in Section 3-10-8f(5), provided however that the gross density shall not exceed three lots per gross acre.

3-10-4

DENSITY AND APPROPRIATE AREAS FOR DEVELOPMENT

- a. The permissible gross density for the development options described in Section 3-10-6 through 3-10-9 is one dwelling unit per ten (10) acres. Gross density calculations shall not include the acreage of tidal wetland areas. The acreage of tidal wetland areas shall be subtracted from the parcel before the dwelling unit potential yield is calculated.
- b. Whenever possible, all lands identified as RPA features, nontidal wetlands, cultivated and cultivatable prime agricultural lands, slopes in excess of twenty-five percent (25%), and habitats of rare and endangered species shall not be included within the area of lots created for land development purposes but shall instead be left undeveloped and placed in "ROSCO Conservancy".

3-10-5

RURAL ESTATE HOUSE OPTION

- a. The area of each newly created rural estate house shall be in excess of 50 acres.
- b. When rural estate houses are proposed to be or will have the resultant effect of being lined along and visible from a vehicular right of way, each shall have a building envelope which is at least 1,200 feet apart from another and be arranged so as to result in rural estate house sites being no closer than 300 feet from a vehicular right of way and off-set from adjacent homesites by a distance of 200 feet as measured from the vehicular right of way.
- c. If traditional architecture, as provided for in Section f(1) below is not proposed to be utilized, the building envelope for rural estate house shall be positioned in an area not visible from the vehicular right of way whenever possible.
- d. Building envelopes associated with each rural estate house site shall be no larger than two acres.
- e. Building envelopes shall be positioned so that no building is within 100 feet of a property line.
- f. (1) If traditional architecture is proposed to be utilized on the rural estate house, the plan-approving authority will grant a density bonus permitting the creation of three (3) additional and separate building lots, each complying with the area and bulk requirements of Sections 3-10-9c to 3-10-

9e, but only if these three (3) homesites are not visible from the right of way. One of these three dwellings may instead be an accessory dwelling, as defined, if located within the same building envelope as the principal single family dwelling and if also exhibiting traditional architecture.

- (2) The Rural Development Option as provided by Section 3-10-9 may also be utilized on appropriate lands over and above the fifty acres associated with the Estate House Development Option. Any accrued development potential resulting from the density bonus associated with subsection f(1) above may be transferred to the Rural Development Option.
- g. All areas outside of building envelopes shall be protected in perpetuity by a conservation easement and used where possible for agricultural production. These areas shall be designated on the zoning map as "ROSCO Conservancy".
- h. Structures shall be limited in height to 35 feet unless the traditional architecture density bonus is employed in which case structures may attain heights consistent with traditional architectural features.

3-10-6

RURAL FARMSTEAD OPTION

- a. The rural farmstead option shall only be employed on lots in excess of 100 acres. Multiple rural farmstead options may be created on the same large parcel so long as the site design and spatial relationship of multiple farmsteads is in harmony with the intent and purpose of the ROSCO district.
- b. The farmstead building envelope shall not exceed two acres for every 100 acres of total lot size and every fraction thereof.
- c. Permitted uses include:
 - (1) single family detached
 - (2) multi-family/townhome
 - (3) agriculture
- d. The building envelope shall be no closer than 400 feet from the right of way and no closer than 300 feet to any other property lines.
- e. All areas outside the building envelope shall be protected in perpetuity by a conservation easement and used where possible for agricultural production. These areas shall be designated on the zoning map as "ROSCO Conservancy".
- f. If traditional architecture is used in the design of the farmstead complex, the owner/applicant may request a density bonus permitting an additional six (6) dwelling units per 100 acres of total site area. These ~~two~~ dwelling units can either be added within the farmstead complex or within separate lots subdivided in accordance with the area and bulk requirements of Section 3-~~11~~-9c to 3-~~11~~-9e if these separate lots are not visible from the farmstead and not obvious when viewed from the farmstead.

- g. Structure shall be limited in height to 35 feet unless the traditional farmstead architecture density bonus is employed in which case structures may attain heights in keeping with farmstead buildings.

3-10-7

RURAL HAMLET OPTION

a. General Requirements

- (1) A rural hamlet, as proposed, shall be in accordance with the Comprehensive Plan.
- (2) Open space areas shall be placed in "ROSCO Conservancy" to ensure their perpetual protection.
- (3) Each hamlet shall consist of no less than 6 or more than 25 hamlet dwellings.

b. Land Area Requirements

A rural hamlet shall be located on a development parcel at least forty (40) acres in size.

c. Permitted Uses

- Single Family Detached Dwellings
- Bed and Breakfast, owner-occupied
- Home Occupations
- Civic Uses such as:
 - Community meeting hall
 - Library
 - Post office
 - Museum
 - Historic and cultural society facility
 - Child care center or preschool
 - Church or other place of worship
 - Art gallery
- County Government Service, excluding utilities
- Public or Private Elementary School

Civic uses shall not exist on greater than 15% of the lots or total area of the hamlet, whichever is more restrictive.

d. Special Use Permit on Hamlet Lots

- Retail Sales Storefront as an accessory use within only one single family detached dwelling in the hamlet from which is sold basic necessity items within a floor area not exceeding 500 square feet in size.
- A single family attached duplex (side by side) may occupy a single hamlet building lot provided that one unit is owner-occupied, no more than twenty-percent (20%) of hamlet lots contain duplex units and the duplex is architecturally consistent with the overall design of the hamlet. The resultant extra dwelling unit shall not be counted toward the total permitted gross density allowed within the hamlet.

e. Permitted Uses Within "ROSCO Conservancy" Areas

Common open space lots surrounding hamlet lots may be used as follows:

- (1) Barns, silos, stables and other structures related to permitted agricultural uses.
- (2) A wayside stand with a building footprint no greater than 250 square feet selling only those agricultural products grown on site.
- (3) Recreational uses for residents of the development which are customarily and clearly accessory, incidental and subordinate to the hamlet, and which are located so as to minimize the visual intrusion on the landscape from within and outside the hamlet and/or to reinforce the hamlet design including but not limited to swimming pools, tennis courts, equestrian facilities, and picnic areas.
- (4) Water and sewer facilities including mass drainfields and septic systems.

f. Minimum Lot and Building Envelope Requirements

Hamlet Lots:	
Minimum lot size	15,000 sq. ft.
Maximum lot size	43,560 sq. ft.
Minimum building envelope	7,000 sq. ft.
Maximum building envelope	12,500 sq. ft.
Minimum lot width	64 feet
Maximum length/width	5/1
Minimum front and rear yard setback	10 feet
Minimum side yard setback	10 feet

g. Maximum Hamlet Building Envelope Depth

- (1) The rear edge of the building envelopes of hamlet lots facing one another across a street shall not be more than 400 feet apart.
- (2) The rear edge of the building envelopes of hamlet lots facing one another across a hamlet green shall not exceed 600 feet.
- (3) The maximum distance between building envelopes of lots facing across a hamlet green shall not exceed 350 feet.

h. Maximum Net Residential Density

The residential density of the hamlet, excluding nonresidential use acreage and density exemptions provided herein, shall be no less than 1.5 and no more than 3.5 dwelling units per acre.

i. Density Bonus Provision

If the Rural Hamlet Option is constructed on newly created roads, or is proposed to be positioned on an existing road which the County has concluded will never be characterized by average annual traffic volumes exceeding 500 vehicles per day over and above the traffic volumes resulting from the Rural Hamlet, a density bonus permitting the gross density to be reduced from one dwelling unit per ten acres as required by Section 3-10-4 to one dwelling unit per 6.25 acres will be granted by the plan-approving authority.

j. An Accessory Dwelling Permitted

An accessory dwelling as provided by Section 3-16-3a(2) may be located

on a hamlet lot provided the lot owner of record resides on the property.

k. Manufactured Housing Prohibited

Manufactured homes are not permitted in the rural hamlet.

3-10-8

RURAL VILLAGE OPTION

a. General Requirements

- (1) A Rural Village, as proposed, shall be in accordance with the Comprehensive Plan.
- (2) Sufficient land in appropriate locations shall be controlled by the applicant either by fee simple ownership or under contract.
- (3) Conservancy areas shall be adequately protected by conservation easements which allow only limited uses and put in "ROSCO Conservancy".
- (4) Adequate water and wastewater systems shall be provided by the applicant, along with appropriate user-financing of these facilities.
- (5) Adequate roads shall be provided by the applicant.
- (6) The proposed village will include and provide for land uses, lots, buildings, roadways and amenities designed to implement the objectives of the Comprehensive Plan.
- (7) Appropriate maintenance and ownership of public and community uses will be ensured.

b. Land Area Requirements

An applicant must designate land areas sufficient to meet the following land area requirements:

(1) Village Area

The site for the village area portion of a rural village option district shall be a minimum of 80 contiguous acres and a maximum of 250 contiguous acres in size, and shall contain a minimum of 150 and a maximum of 500 dwelling units exclusive of additional units resulting from the issuance of density bonuses at no more than three (3) or less than one (1) dwelling unit per acre of village area. Village area lands shall be noted on the zoning map as approved on the plan of development: commercial storefront, civic, townhouse, neighborhood and village workplace.

(2) "ROSCO Conservancy"

The "ROSCO Conservancy" area shall consist of all land required to be assembled to create a village minus the land area designated as the village area. Each village area shall be completely surrounded by a contiguous buffer land area which shall be at least twice the size of the designated village area, and shall be no less than 300 feet wide at any point along the perimeter of the village area except as waived by the plan-approving authority to accommodate

specific site conditions.

c. Locational Criteria for the Rural Village

While the County has not determined specific sites within the ROSCO zoning district which are suitable for a rural village and wishes to allow flexibility in such determinations, the County will consider the following factors in determining whether a Rural Village option proposal should be approved.

- (1) It shall comply with the general requirements of Section 3-10-8a.
- (2) It shall comply with Section 3-13 and after construction, be sited so as to best preserve historic resources, natural vistas and the existing countryside formations.
- (3) In the event a rural village is proposed in close proximity to an existing incorporated town or an existing rural village, certain requirements of utilities and buffering of this Ordinance may be modified, additional requirements may be imposed, or the location may be denied, all at the discretion of the County and in order to ensure that features of the existing town or village and its setting are preserved.
- (4) The area of private lots for non-water-dependent uses within the village area shall not be located upon lands protected by the Waterfront Management (WATER) District.
- (5) The village area shall be designed in accordance with the design standards of Section 4-18.

d. Land Assembly Requirements and Development Potential

An applicant must demonstrate control of sufficient land area to accommodate the number of dwelling units proposed to be built within the village area. The development potential of assembled land shall be determined by the Land Use Administrator and the Richmond County Health Department, and shall amount to the potential number of dwelling units the assembled land can accommodate as determined by the development potential of such land. Development potential shall be determined based upon the following schedule:

<u>Acreage Controlled</u>	<u>Dwelling Units/ Acre Ratio</u>	<u>Dwelling Unit Yield Potential</u>
First 250 acres	1/10	25
For each of the next 150 acres	1/1	150
For each of the next 162.5 acres	<u>2/1</u>	<u>325</u>
Total: 562.5 acres	9/1	500

e. Location, Use and Protection of the "ROSCO Conservancy" Area

- (1) Rural Village proposals shall provide "ROSCO Conservancy" land areas which provide visual and physical buffer thereby

creating a distinct, traditional village settlement amid open space lands.

- (2) All land assembled to form the rural village and not designated as "village area" shall be designated as "ROSCO Conservancy" on the zoning map.
- (3) No land within the "ROSCO Conservancy" areas may be subdivided to create lots less than 50 acres in size except for those lots associated with another development option provided for by Section 3-10 and approved by the plan-approving agent.
- (4) Permitted uses of designated "ROSCO Conservancy" areas are as follows:
 - other development options specified by Section 3-10 as approved;
 - agricultural use;
 - open space;
 - lakes, ponds, retention and detention facilities;
 - conservation;
 - cemetery;
 - utility systems including septic systems;
 - spray irrigation fields for wastewater effluent disposal, lagoons and water impoundments;
 - golf course, nature and equestrian trails;
 - athletic fields;
 - public parks.

f. Land Uses Within the Village Area

The village area shall contain the following public, community and private land uses:

(1) Greens, Parks and Squares

(a) Purpose

Greens, parks and squares are intended to provide spatially defined and distributed open spaces within any part of the village area to serve a variety of outdoor leisure and assembly needs of village residents, and to enhance the form and appearance of the village.

(b) Location

The main village green shall be centrally located and shall generally be sited at natural vista/view locations. Other smaller greens shall be dispersed throughout the remainder of the village area in such a way that no lot is more than a 1,320 feet walking distance from a green, square or park.

(d) Size

The main village green shall be no less than 30,000 square feet in size while the other, smaller greens, squares and parks shall be no less than 10,000 square feet in size.

(2) Civic uses

(a) Purpose

Civic uses are intended to provide governmental, institutional, educational, recreational, cultural, and religious facilities and services which enhance the shared community life and personal development of village residents.

(b) Location

Civic lots shall normally be located adjacent to greens, parks, and squares, or at vista terminations. Schools may be located in any part of the village area and, if sited at the perimeter of the village area, associated athletic fields may be located within the adjacent "ROSCO Conservancy."

(c) Permitted Civic Uses

Civic Use Lots may be used for one or more of the following:

- community meeting hall (A community meeting hall shall be constructed on a civic lot, with a meeting room of no less than 10 square feet for each approved house and townhouse dwelling unit. The community meeting hall shall be completed prior to construction of 50% of the residential dwelling units. Until such time as a community meeting hall is constructed, the developer shall provide a temporary meeting room of no less than 1000 square feet.);
- library;
- post office;
- museum;
- historical and cultural society facility;
- child care center or preschool;
- church or other place of worship;
- art gallery;
- music center;
- community theater;
- public (non-private membership) athletic club or recreation center;
- County government service, excluding utilities;
- public or private elementary or middle schools.

(3) Storefront Area

(a) Purpose

The commercial storefront district is intended to provide a variety of retail shops and services to support the day-to-day needs of village residents and other local residents, complemented by other compatible business, civic and residential activities in commercial-type buildings in a manner consistent with a small downtown in the community.

(b) Location

The commercial storefront area shall be a designated geographic unit located where it acts as a central place and where it can intercept traffic coming and going from the village without such traffic traversing local residential streets.

(c) Permitted Storefront Uses

Commercial storefront lots may be used for one or more of the following in commercial buildings:

- any use permitted in civic use areas;
- residential dwelling above the ground floor;
- retail sales, provided however that a maximum of 20,000 square feet of floor area per business will be permitted;
- personal or business services;
- banks and financial institution;
- cinema;
- office;
- private club;
- restaurant;
- artist studio;
- lodging, including hotel;
- recreational building or use;
- medical clinic or facility;
- elderly and social care facility.

(4) Townhouse Area

(a) Purpose

This area provides for a variety of housing opportunities and provides for the flexible use of such buildings to accommodate compatible business and civic uses which supplement the commercial storefront area.

(b) The townhouse area is located in close proximity to the commercial storefront area.

(c) Permitted Townhouse Uses

Townhouse lots may be used for one or more of the following uses in conjunction with the residence with attached dwellings:

- home occupation as provided by 3-16-4;
- personal or business service;
- office;
- private club;
- restaurant;
- artist studio;
- bed and breakfast;
- medical office;

(5) Neighborhood Area

(a) Purpose

Neighborhood areas are intended to provide for single family homes in a residential neighborhood environment, complemented by a limited number of compatible uses, including small parks and greens.

(b) Location

Residential lots shall generally be located along local streets and around the perimeter of the combined commercial

storefront and townhouse areas and between those areas and the ROSCO Conservancy.

(c) Permitted House Uses

Neighborhood areas may be used for one or more the following:

- single family detached residential dwelling;
- home occupation in accordance with the provisions of Section 3-16-4;
- office, as an accessory use, or for not more than 2 full time employee equivalents; or
- one accessory building;
- one accessory dwelling in accordance with Section 3-16-3a(2).

(6) Village Workplace Area

(a) Purpose

The village workplace area is intended to provide employment opportunities for village residents and to provide sites for small industrial uses which support the surrounding rural area without adverse impact on the rural village.

(b) Location

Village workplace areas shall be located in no more than two areas at the periphery of the village area at sites which intercept traffic from external roadways and have the least impact on neighborhood areas. Village workplace areas shall be well buffered from adjacent neighborhoods.

(c) Permitted Village Workplace Uses

Village workplace areas shall be accessible to motor vehicles and may be used for one or more of the following:

- Warehousing;
- Light manufacturing and assembly;
- Automobile repair (all repairs conducted indoors);
- Utilities to serve the village;
- Fire and Rescue Service facilities.

g. Special Use Permit Throughout the Village Area

Uses which may be approved by special use permit within specified sections of the village area are as follows:

- (1) Commercial car wash, which shall only be located in a village workplace area;
- (2) Retail sale of petroleum-based fuel products, which shall only be located in a village workplace area and provided that only one such facility shall be permitted at any one street intersection;
- (3) Outdoor commercial which shall only be located in a village workplace area;
- (4) Outdoor storage which shall only be located in a village

workplace area;

- (5) Storage and sale of building material or garden supplies which shall only be located in a village workplace area.
- (6) Retail sales with more than 20,000 square feet of floor area per business in a commercial storefront area;
- (7) Middle and high schools and community colleges;
- (8) Structures and/or uses for federal, state or local government purposes

h. Prohibited Uses Throughout the Village Area

The following uses are specifically prohibited in the village area:

- (1) Chemical manufacturing, storage or distribution, as a primary use;
- (2) Any commercial use, other than a car wash, which is primarily directed to patrons who are encouraged by the site layout or buildings to remain in their automobile while receiving goods or services;
- (3) Enameling, plating or painting except artist studios as a primary use;
- (4) Foundries, receiving/distribution, moving or hauling terminal or yard, except delivery or pick up of goods or merchandise solely to service businesses in the rural village;
- (5) Prisons and detention centers;
- (6) The manufacture or disposal of hazardous waste materials, solid waste or radioactive waste;
- (7) Agricultural uses, other than home gardens;
- (8) Junk yards;
- (9) Mobile homes;
- (10) Commercial sand, gravel or other mineral extraction;
- (11) Any use which, as determined by the Land Use Administrator which produces an impact that would adversely affect the intended overall characteristics of a rural village or the specific characteristics and uses of adjacent areas, as a result of undue noise; offensive odors, glare, vibration; hazardous solids, liquids or gases emitted into the environment.

i. Lot Requirements

- (1) Lot Frontage

Each individual lot or, in the event that lots are consolidated, each building site shall be in accordance with the following:

VILLAGE AREA

	<u>Minimum Lot Depth</u>	<u>Minimum Lot Width</u>	<u>Maximum Lot Width</u>	<u>Maximum Length:Width</u>
Greens, Parks and Squares	NA	NA	NA	NA
Civic	NA	NA	NA	NA
Commercial				
Storefront	96'	16'	150'	NA
Townhouse	96'	16'	32'	9:1
Neighborhood	96'	64'	NA	5:1
Workplace	128'	32'	320'	5:1

The intent of this Ordinance is best served by designing villages to include a variety of lot sizes.

(2) Lot Coverage

The total maximum lot coverage for buildings on individual lots shall not exceed the following percent of the lot area:

Greens, Parks, Squares	NA
Civic	70%
Storefront	70%
Townhouse	70%
House	30%
Workplace	30%

j. Building Height and Setback Requirements

(1) Civic

Civic buildings shall have no height or setback limitations.

(2) Commercial Storefront

Storefront buildings shall not exceed three stories or 40 feet, whichever is less, in height. Storefront buildings shall have no setback limitations.

(3) Townhouse

- (a) Townhouse building facades shall be setback either 4, 8 or 16 feet from the right of way. Attached open porches projecting from the facade may lie within this setback area.
- (b) Townhouse building facades shall be a minimum of 12 feet from the face of curb defining the edge of vehicular cartways.
- (c) The principal townhouse entrance shall be from the frontage sidewalk.
- (d) Townhouse facades in any one block should generally have the same setback.

(5) Village Workplace

- (a) Village workplace buildings shall be located no closer than 50 feet to any side or rear property line.

- (b) Village workplace buildings shall not exceed 3 stories or 40 feet in height, whichever is less.
- (c) Village workplace buildings shall be set back not more than 16 feet from their frontage.

3-10-9

RURAL DEVELOPMENT OPTION

- a. All lots within a Rural Development Option shall be located in any area wooded or open so long as the development, whenever possible and to the greatest extent possible, is invisible from existing roadways. If deemed necessary by the plan-approving authority, landscaping and/or earthen berms may be required to minimize the visual intrusion of the Rural Development Option as viewed from other development options provided in Section 3-10 and existing vehicular rights of way.
- b. Permitted uses are:
 - (1) Single Family Detached
 - (2) Customary Accessory Uses
 - (3) Recreation Open Space
 - (4) "ROSCO Conservancy"
 - (5) Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts, golf courses, etc.
- c. The minimum lot size for individual lots shall be 43,560 square feet. The maximum lot size shall be 130,680 square feet.
- d. Structures shall be limited to thirty-five feet in height.
- e. Setbacks shall be as follows:

Front Yard	35 feet
Side Yard	15 feet
Rear yard	35 feet ,
- f. Roadways built to service the forest subdivision shall be built to state standards.
- g. Open space areas set aside should consist of those areas which are environmentally fragile and/or contain important resources identified in the Resource Inventory, particularly prime agricultural lands. Set aside open space lands shall be protected in perpetuity by a conservation easement which permits continuation of agricultural operations. These areas will be marked on the same map as "ROSCO Conservancy".
- h. A density bonus enabling the gross density required by Section 3-10-4 to be reduced to one dwelling unit per 6.25 acres will be granted if the following circumstance is met: If all lands on the parcel to be subdivided identified as tidal and nontidal wetlands, prime agricultural land in cultivation, slopes in excess of twenty-five percent (25%), and habitats of rare and endangered species are placed in "ROSCO Conservancy".

3-11 RURAL BUSINESS AND COMMERCIAL (SHOPPING)

3-11-1

PURPOSE

The Rural Business and Commercial (RBC) District is established to provide appropriate zoning for existing commercially utilized lots which are consistent with the Comprehensive Plan, for necessary commercial uses proposed in the absence of mixed use areas, as well as for proposed uses which by their very nature, are inappropriate within mixed use areas.

3-11-2

PERMITTED USES

- a. All freestanding commercially-utilized lots of record, as of the date this Ordinance became effective, which are utilized in a manner consistent with the intent and purpose of the Comprehensive Plan.
- b. The following uses, if established after this Ordinance became effective, are permitted:
 - (1) Automobile Repair
 - (2) Automobile Sales
 - (3) Building Materials/Nurseries Sales with Outdoor Storage
 - (4) Car Washes
 - (5) Contractor's Office with Outside Storage
 - (6) Drive-In Theatres
 - (7) Equipment Rental and Sales having Outside Storage
 - (8) Gasoline Dispensing Stations
 - (9) Public Utility Installations
 - (10) Stone or Monument Works
 - (11) Kennels
 - (12) Other commercial uses which are automobile or outside storage oriented

3-11-3

SPECIAL USE PERMIT

All commercial uses which are permitted with a rural village as provided by Section 3-10-8 as long as no village area exists within 3 linear miles of the parcel in question.

3-11-4

MINIMUM AREA REQUIREMENTS

There are no minimum lot area requirements. However, no lot zoned for or proposed to be zoned for RBC shall be approved unless and until it has been demonstrated to the satisfaction of the plan-approving authority that the lot area is of sufficient size to ensure compliance with the zoning and design requirements of this Ordinance.

3-11-5

MINIMUM SETBACK REQUIREMENTS

Building setbacks at a minimum shall be as follows:

Front Yard	35 feet
Each Side Yard	20 feet
Rear Yard	35 feet
Side and Rear Yard Adjacent to Residential Districts	50 feet

3-11-6

FRONTAGE AND YARD REQUIREMENTS

- a. Outside storage of raw materials, work in progress and finished goods shall not be permitted between the building setback and any public vehicular right of way.
- b. The minimum front yard setback area shall not be used for parking or loading areas. Loading areas shall be restricted to the side or rear yards.
- c. No required buffer area shall be used for outside storage, parking, loading or any accessory use.

3-12 RURAL WORKPLACE (WORK)

3-12-1

PURPOSE

The Rural Workplace (WORK) District is established to provide opportunities for employment generator's which are desired, are situated collectively in accessible and suitable nodes of activity and blend in with rather than supplant the rural environment of the County. The WORK district is designed to:

- provide locational opportunities for industries with high growth which are likely to be attracted to the County;
- provide development sites for small, medium and large-sized industrial firms in environments conducive for business and industrial activity;
- assist the County by attracting new employment opportunities;
- expand the fiscal capacity of the County by broadening the tax base;
- ensure the compatible operation of productive activities and community growth;
- contribute positively to community appearance; and,
- respect the natural rural environment.

3-12-2

PERMITTED USES

The WORK Zoning District permits uses listed below which carry on processes within enclosed buildings or in outside areas sheltered and heavily buffered from adjacent properties and rights of way. Any structure to be erected or land to be used shall be for one (1) or more of the following uses provide that there are no inherent hazards associated with such uses and further provide that no nuisance may occur from fire or explosion, toxic or corrosive fumes, gas, smoke, odors, obnoxious dust or vapor, offensive noise or vibrations, glare, flashes or objectionable effluent and electrical interference which may adversely affect or impair the normal use of any other property (see Section 4-13). The development of industrial and/or office parks is encouraged. Developers of industrial/office parks may establish covenants and restrictions more restrictive than these zoning standards if deemed desirable, however these covenants and restrictions will not be enforced by Richmond County. For example, a developer may create an industrial and/or office park which allows only a limited range of

industrial/office uses. Permitted uses are as follows:

- (a) Office buildings for executive, administrative, business, educational or professional services, as well as industrial, medical and scientific research and development laboratories.
- (b) Colleges, universities, vocational/technical centers.
- (c) Commercial printing (letterpress, screen commercial, lithographic commercial and others) including the printing and publishing of newspapers, periodicals and books, blueprinting and similar uses.
- (d) Computer and data processing services.
- (e) Contractors office and storage provided all materials are screened from public view.
- (f) Direct mail advertising services.
- (g) Machine shops and tool and die shops.
- (h) Mailing, reproduction, commercial art and photography, and stenographic services.
- (i) Parcel Delivery Stations.
- (j) Repair and rental of light machinery and equipment, excluding automobile repair facilities.
- (k) Warehousing and wholesale distribution centers.
- (l) Manufacture and/or assembly of:
 - (1) Office, computing and accounting machines.
 - (2) Engineering, laboratory, scientific, research, measuring and controlling, surveying and drafting, optical, surgical, medical and dental instruments and supplies, and robotic devices.
 - (3) Electrical lighting and wiring equipment.
 - (4) Radio and television communications equipment, electronic components, equipment and accessories.
 - (5) Transportation machinery, equipment and devices including motor vehicle parts and accessories.
 - (6) Photographic equipment, electrical appliances, tools and hardware products, watches, clocks, toys, games, musical equipment, plastic products, sheet metal products, heating, cooling and ventilation equipment, jewelry, silverware and plateware, sporting and athletic goods, pens, pencils, buttons, and other miscellaneous products.
 - (7) Pharmaceutical preparations for human and/or veterinary use.
 - (8) Apparel and other textile products and accessories by cutting and sewing purchased woven or knit textile fabrics and related materials such as leather, rubberized fabrics, plastics and furs.

- (9) Finished leather and artificial leather products, excluding the tanning of leather.
- (10) Wood products such as boxes, furniture, skids, cabinets, baskets, caskets, and other wood products of a similar nature.
- (11) Particleboard, hardwood dimension, flooring, softwood veneer, plywood, structural wood members, prefabricated wood or metal buildings or structures and members, moldings and similar products.
- (12) (From purchased paper or paperboard) Coated or glazed paper, envelopes, bags, die-cut paper, paperboard and cardboard, pressed and molded pulp goods, sanitary paper products, stationery and tablets, folded paperboard boxes, set-up paperboard boxes, corrugated and solid fiber boxes, sanitary food containers, fiber cans, tubes, drums, and similar products.
- (13) Pottery and ceramics.
- (m) Other uses as deemed to be consistent in use and intensity with the intent and purpose of this section as determined by the Land Use Administrator, including those uses which play a vital role in the preservation of traditional rural lifestyles and land uses.

3-12-3 SPECIAL USE PERMITS

Processing of food (animal, vegetable, fish, fowl or other food type products).

3-12-4 MINIMUM AREA REQUIREMENTS

There are no minimum lot area requirements. However, no lot zoned for or proposed to be zoned for WORK shall be approved unless and until it has been demonstrated to the satisfaction of the plan-approving authority that the lot area is of sufficient size to ensure compliance with the zoning and design requirements of this Ordinance.

3-12-5 MINIMUM SETBACK REQUIREMENTS

Building setbacks at a minimum shall be as follows:

Front Yard	35 feet
Each Side Yard	20 feet
Rear Yard	35 feet
Side and Rear Yard	
Adjacent to Existing Residential Uses	50 feet

3-12-6 FRONTAGE AND YARD REQUIREMENTS

- a. Outside storage of raw materials, work in progress and finished goods shall not be permitted between the building setback and any public vehicular right of way.
- b. The minimum front yard setback area shall not be used for parking

or loading areas. Loading areas shall be restricted to the side or rear yards.

- c. No required buffer area shall be used for outside storage, parking, loading or any accessory use.

3-13 HISTORIC AND SCENIC PRESERVATION (HISTORIC RICHMOND) OVERLAY DISTRICT

3-13-1 PURPOSE

The purpose of the Historic and Scenic (HISTORIC RICHMOND) overlay district is to provide for protection and enhancement of designated scenic highways or byways and to protect against destruction of or encroachment upon historic areas, archaeological sites, historic buildings, historic monuments or other historic features; or buildings and structures of recognized architectural significance which contribute or will contribute to the cultural, social, economic, political or architectural heritage of Richmond County and the Commonwealth of Virginia. It is also the purpose of HISTORIC RICHMOND to preserve designated scenic areas and historic, archaeological or architectural features, and their surroundings within a reasonable distance from destruction, damage, defacement and obviously incongruous development or uses of land. HISTORIC RICHMOND will implement the provisions of Section 4-10 of this Ordinance relative to the creation of historic districts as provided by Section 15.1-503.2 of the Code of Virginia. HISTORIC RICHMOND is also established for the express purpose of promoting the general welfare by the preservation of areas which have been officially designated as having exceptional natural, scenic, cultural, or historic value worthy of preservation and protection. This zoning designation is intended to be used along roadways within the County officially designated as Virginia scenic highways or byways, or designated by the Board of Supervisors as scenic County highways and byways in the Comprehensive Plan as well as along significant rivers, creeks, and other noteworthy waterbodies.

3-13-2 APPLICATION

- a. The HISTORIC RICHMOND overlay district is created to be superimposed on other districts contained in this Article. The uses, housing types, minimum lot requirements, minimum yard requirements, maximum heights, and accessory uses shall be those requirements applicable to the underlying zoning district except as modified by application of the regulations in this section.
- b. HISTORIC RICHMOND districts shall be established by action of the Board of Supervisors and designated on the Official Zoning Map.

3-13-3 PERMITTED USES

A building or land shall be used only for the following purposes, and except as provided herein, in each case subject to review and action by the plan-approving authority in accordance with the standards set forth in this Section and the intent and purpose of this Ordinance:

Any use, or accessory use, permitted in the underlying zoning district in which the premises are situated subject to review and approval. The normal maintenance of an historic area or building or the charging of

admission fee for visitors, or the conduct of visitor centers or services within a county, state, or national park, shall not be considered as commercial uses.

3-13-4

USE LIMITATIONS

The following limitations shall apply within HISTORIC RICHMOND:

- a. No building or structure, except as provided to enhance the scenic character of the area, shall be constructed within 100 feet of the right of way of any designated scenic highway or byway. Construction within the viewshed of a historic building should be avoided whenever possible, but when unavoidable, should be sympathetic and compatible. This is not intended to preclude development of accessory buildings by the owner of a historic building.
- b. Off-street parking and loading requirements shall be in accordance with the provisions of Article 4-11. No off-street parking or loading space shall be located within 100 feet of the right of way of any designated scenic highway or byway.
- c. Consideration shall be given during the review of any proposed development along a scenic highway or byway to other than standard development requirements relating to drainage facilities, pavement of driveways, and parking areas, approved signs and traffic control devices and markings so as to insure that development is compatible with the goals and objectives of the scenic designation.
- d. Development along scenic highways and byways shall be designed to minimize the number and size of curb cuts.
- e. Timber clear cutting is not permitted in view of historic buildings or areas. Additionally, timber clear cutting shall not be permitted within 100 feet of the right of way of a designated highway or byway. Any timber cutting activities in these areas is to be based upon considerations which emphasize aesthetic values or sanitation and salvage cuttings necessitated by damage caused by fire, insect infestation or other destructive forces, with prior approval of the Land Use Administrator. The Land Use Administrator may request advice and/or reports from the State Division of Forestry in this regard. All flowering trees, shrubs and wild flowers indigenous to the area which occur within 100 feet of the right of way line of the scenic highway or byway should be favored and protected where reasonable.
- f. No open pit extraction shall take place within 350 feet of a designated highway or within view of a historic building or area. All stock piling of minerals or wastes shall be screened by a natural buffer and shall not exceed 35 feet in height or the height of the trees and/or natural material found in the buffer, whichever is higher. The entrance to the extraction area must be hard surfaced and designed for highway safety and, insofar as possible, be in keeping with the nature of the scenic highway or byway.
- g. Development permits as provided by Section 2-7-1 issued in areas known or suspected to contain archeological artifacts and data shall include a requirement that the developer provide for a phase one survey and evaluation by an archaeologist. The permit shall require approval by the County before work can begin on a project following inspection. Archaeological data or artifacts shall be

recovered before work resumes or begins on a project. Significant archaeological and historic sites shall be permanently preserved for scientific study, education and public observation. When the County determines that a site has significant archaeological, natural, scientific or historical value, a development permit will not be issued which would pose a threat to the site. The County may require that development be postponed in such areas to allow investigation and/or retrieval and preservation of significant artifacts.

- h. Areas within viewshed of historic buildings and historic and archaeological sites which are outside of the building envelope, as well as areas within the preservation corridor along scenic highways shall be protected in perpetuity by a conservation easement and designated on the zoning maps as "ROSCO Conservancy."

3-13-5

STANDARDS

The following standards shall be considered by the plan-approving authority in evaluating proposal within HISTORIC RICHMOND districts:

- a. The public necessity of the proposed construction or use.
- b. The public purpose or interest in land or buildings to be protected.
- c. The historic, architectural, archaeological and scenic value and significance of the resource considered for protection and its relationship to the surrounding area.
- d. The age and character of the historic structure, its condition, and its probable life expectancy, and the appropriateness of the proposed changes to the period or periods during which the structure was built and/or altered.
- e. The general compatibility of the plan of development and the exterior design, arrangement, texture, and materials proposed to be used.
- f. The view of the structure or area from a public street, present or future.
- g. The present character of the setting of the structure or area and its surroundings.
- h. The probable effect of proposed construction on the natural features in the vicinity of the resource/resource area including trees, wooded areas, or terrain.
- i. Any other factors, including aesthetics, which the plan-approving authority deems to be pertinent in order to ensure compliance with the intent and purpose of HISTORIC RICHMOND.

3-13-6

PERFORMANCE GUARANTEES

The plan-approving authority may require, when deemed appropriate, the submittal of performance guarantees as provided by Section 2-6 in order to ensure that the County has the ability to remedy actions taken which compromised the integrity of resources intended to be protected by the provisions of HISTORIC RICHMOND.

3-14 WATERFRONT MANAGEMENT (WATER) OVERLAY DISTRICT

3-14-1 PURPOSE

The Waterfront Management (WATER) overlay district is designed to protect and improve the water quality of the Chesapeake Bay, its tributaries, buffer areas and other sensitive environmental lands by minimizing the potential adverse effects of human activity upon these areas. The regulations are intended to encourage and promote: (1) protection of existing high quality state waters and restoration of all other state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth to inhabit them; (2) safeguarding the clean water of the Commonwealth from pollution; (3) prevention of any increase in pollution; (4) reduction of existing pollution; (5) promotion of water resource conservation in order to provide for the health, safety and welfare of the present and future citizens of the Commonwealth and the County; (6) provide for the proper design and placement of water dependent uses; (7) protection of aquatic life, bird and other wildlife habitat; (8) conservation of natural beauty and open space; and (9) to anticipate and respond to the impacts of development in the WATER overlay district.

Additionally, this district is designed to prevent the loss of life and property or the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief. This district is also intended to prevent the impairment of the tax base as a result of uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies by restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding and requiring all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or floodproofed against flooding and flood damage. This district is also designed to protect individuals from buying lands and structures

which are unsuited for intended purposes because of flood hazards; and to ensure Richmond County residents to qualify for the insurance and subsidies provided by the National Flood Insurance Program.

3-14-2

APPLICATION

Areas of applicability include the following areas:

- a. Tidal wetlands.
- b. Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or tributary streams.
- c. Tidal shores.
- d. A 100-foot vegetated buffer area located adjacent to and landward of the areas mentioned above.
- e. Slopes in excess of 25% which are contiguous to tidal wetlands, tidal shores and connected nontidal wetlands.
- f. Areas subject to inundation by waters of the one hundred-year (100) flood. The basis for the delineation of the district shall be the one hundred-year (100) flood elevations or profiles contained in the Flood Insurance Study for Richmond County, Virginia, prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated March 16, 1989, as amended. The Approximated Floodplain Area shall be that floodplain areas for which no detailed flood profiles or elevations are provided, but where a one hundred year (100) flood elevations from federal, state, and other acceptable sources shall be used, when available. Where the specific one hundred-year (100) flood elevation cannot be determined for this area using other sources of data, such as the U.S. Army Corps of Engineers Floodplain Information Reports, U.S. Geological Survey Flood-Prone Quadrangles, the Richmond County Soil Survey, etc., then the applicant for the proposed use, development, and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by Richmond County. The delineation of the floodplain area may be revised by the plan-approving authority where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U.S. Army Corps of Engineers or other qualified agency or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.
- g. The following areas, which have been recommended for protection in the Comprehensive Plan, if they are within any of the areas listed above shall also be protected: important wildlife habitats; natural sites of significant scenic or aesthetic value; and areas designated by federal, state or municipal governments as natural areas of significance to be protected from development.

3-14-3

Lot Size and Building Setbacks

The minimum requirements of the underlying base district shall prevail for land development activities affected by the WATER District. Proposed water dependent facilities shall be provided with sufficient areas landward of the Resource Protection Area (RPA) as described and provided for in Section 3-14-5, floodplain and areas possessing slopes in excess of twenty-five percent (25%) to accommodate related, auxiliary and necessary non-water dependent activities which are not permitted within the RPA.

3-14-4

TIDAL WETLAND MODIFICATION ACTIVITIES

- a. Any person who desires to use or develop any tidal wetland other than for those activities specified below shall first submit an application to the Land Use Administrator for a permit from the Wetlands Board and shall send copies to the Virginia Marine Resources Commission and the Virginia Institute of Marine Science. The following activities, if permitted by this Ordinance, do not require Wetlands Board review:
- (1) The construction and maintenance of noncommercial catwalks, piers, boat houses, boat shelters, fences, duckblinds, wildlife management shelters, footbridges, observation decks and shelters and other similar structures provided that such structures are so constructed on pilings as to permit the reasonably unobstructed flow of the tide and preserve the natural contour of the marsh;
 - (2) The cultivation and harvesting of shellfish, and worms for bait;
 - (3) Noncommercial outdoor recreational activities, including hiking, boating, trapping, hunting, fishing, shellfishing, horseback riding, swimming, skeet and trapshooting, and shooting preserves, provided that no structure shall be constructed except as permitted by Section 3-14-4a;
 - (4) The cultivation and harvesting of agricultural or horticultural products, grazing and haying;
 - (5) Conservation, repletion and research activities of the Virginia Marine Resources Commission, the Virginia Institute of Marine Science, Commission of Game and Inland Fisheries other related conservation agencies;
 - (6) The construction or maintenance of aids to navigation which are authorized by governmental authority;
 - (7) Emergency decrees of any duly appointed health officer acting to protect the public health;
 - (8) The normal maintenance, repair or addition to presently existing roads, highways, or the facilities of any person, firm, corporation, utility, federal, state, county, city or town abutting on or crossing wetlands, provided that no waterway is altered and not additional wetlands are covered;
 - (9) Governmental activity on wetlands owned or leased by the Commonwealth of Virginia, or a political subdivision thereof.

3-14-5

RESOURCE PROTECTION AREA (RPA)

The Resource Protection Area (RPA), as delineated on the Richmond County Chesapeake Bay Preservation Area Map, includes:

- a. Tidal wetlands;
- b. Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or tributary streams;
- c. Tidal shores;
- d. A 100-foot vegetated buffer area located adjacent to and landward of the component listed in subsections a.-c. above, and along both sides of any tributary stream.

Applicants are required to delineate on their plans of development the features in a-d above if they exist on the site. When feasible and to the greatest possible extent, a conservation easement shall be applied to protect all RPA areas as part of any action requiring plan of development approval. These areas shall be indicated on the zoning map as "ROSCO Conservancy." Additionally, RPA areas shall be left in common open space whenever practicable as part of any major plan of development approval.

3-14-6

SPECIAL USE PERMITS

These uses will not only be evaluated as to how they affect land use and the integrity of the base zoning district but also how they impact water quality.

- a. Redevelopment;
- b. Watercraft construction, repair, maintenance, service, and dismantling;
- c. Marinas and mooring areas including yacht and boat club moorages;
- d. Ecological and scientific reserves and on-site aquatic research facilities;
- e. Public waterfront parks;
- f. Public use beaches and fishing piers;
- g. Silvicultural activities provided that silvicultural operations adhere to water quality protection procedures prescribed by the Department of Forestry in its "Best Management Practices Handbook for Forestry Operations".

3-14-7

EXEMPTIONS IN THE RESOURCE PROTECTION AREAS

The following land disturbances in Resource Protection Areas may be exempted from this Ordinance: (1) water wells; (2) passive recreation facilities such as boardwalks, trails, and pathways; and (3) historic preservation and archaeological activities, provided that it is demonstrated to the satisfaction of the Land Use Administrator that:

- a. Any required permits, except those to which this exemption specifically applies, shall have been issued;

- b. Sufficient and reasonable proof is submitted that the intended use will not deteriorate water quality;
- c. The intended use does not conflict with nearby planned or approved uses; and
- d. Any land disturbance exceeding an area of 2,500 square feet shall comply with the erosion and sediment control requirements of Section 4-8.

3-14-8

LOCAL UTILITY EXEMPTIONS IN THE RPA

Construction, installation, and maintenance of water, sewer, and local gas lines shall be exempt from the provisions of this Ordinance provided that:

- a. To the degree possible, the location of such utilities and facilities shall be outside the RPA's;
- b. No more land shall be disturbed than is necessary to provide for the desired utility installation;
- c. All construction, installation, and maintenance of such utilities and facilities shall be in compliance with all applicable state and federal requirements and permits and designed and conducted in a manner that protects water quality; and
- d. Any land disturbance exceeding an area of 2,500 square feet complies with the erosion and sediment control requirements of Section 4-8.

3-14-9

CONTINUATION OF LAWFUL USES IN THE RPA

The lawful use of a building or structure which existed on the date of adoption of this Ordinance or which exists at the time of any amendment to this Ordinance, and which is not in conformity with the provisions of this Ordinance may be continued but is recognized and considered a nonconforming use as provided for in Section 3-19-5. Development waiver provisions for structures on legal nonconforming lots or parcels is provided in Section 3-19-7.

3-14-10

RPA BUFFER AREA REQUIREMENTS

- a. To minimize the adverse effects of human activities on the other components of Resource Protection Areas, state waters, and aquatic life, a 100-foot buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff shall be retained if present and established where it does not exist.
- b. The buffer area shall be located adjacent to and landward of other RPA components and along both sides of any tributary stream. The full buffer area shall be designated as the landward component of the RPA.
- c. The 100-foot buffer area shall be deemed to achieve a 75 percent reduction of sediments and a 40 percent reduction of nutrients. A combination of a buffer area not less than 50 feet in width and appropriate best management practices located landward of the

buffer area which collectively achieve water quality protection, pollutant removal, and water resource conservation at least the equivalent of the full 100-foot buffer area may be employed in lieu of the 100-foot buffer if approved by the Land Use Administrator after consideration of the Water Quality Impact Assessment (See Section 3-14-13).

d. The buffer area shall be maintained to meet the following additional performance standards:

- (1) In order to maintain the functional value of the buffer area, indigenous vegetation may be removed only to provide for reasonable sight lines, access paths, general woodlot management, and best management practices, as follows:
- (2) Trees may be pruned or removed as necessary to provide for sight lines and vistas, provided that where removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff;
- (3) Any path shall be constructed and surfaced so as to effectively control erosion;
- (4) Dead, diseased, or dying trees or shrubbery may be removed at the discretion of the landowner, and silvicultural thinning may be conducted based upon the best available technical information;
- (5) For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation established to protect or stabilize the shoreline in accordance with the best available technical advice and applicable permit conditions or requirements.

When shoreline stabilization is necessary, the design should rely on non-structural rather than structural methods in order to preserve natural shoreline vegetation. Bulkheading, riprap, retaining walls, and similar shoreline hardening methods should be avoided. Required shoreline stabilization shall be placed behind vegetated wetlands. Where structural shoreline stabilization methods are used, the plan of development shall be accompanied by a maintenance plan which describes responsibility, procedures and anticipated frequency of maintenance. In general structural stabilization methods should be designed and constructed to be maintenance free for a least 10 years with an expected life of 30 years.

- (6) Designs shall not include filling on subaqueous land or in wetlands for the purpose of creating highland property.

e. When the application of the buffer areas would result in the loss of a buildable area on a lot recorded prior to October 1, 1989, the Land Use Administrator may modify the width of the buffer area in accordance with the following criteria:

- (1) Modifications to the buffer areas shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities;
- (2) Where possible, an area equal to the area encroaching the buffer area shall be established elsewhere on the lot or

parcel in a way to maximize water quality protection; and

- (3) In no case shall the reduced portion of the buffer area be less than 50 feet in width.

3-14-11 AGRICULTURAL AREAS POSSESSING RPAs

On agricultural lands the agricultural buffer area shall be managed to prevent concentrated flows of surface water from breaching the buffer area and noxious weeds from invading the buffer area. The agricultural buffer area may be reduced as follows:

- a. To a minimum width of 50 feet when the adjacent land is implementing a federal, state, or locally funded agricultural best management practices program, provided that the combination of the reduced buffer area and the best management practices achieve water quality protection, pollutant removal, and water resource conservation at least the equivalent of the 100 foot buffer area;
- b. To a minimum of 25 feet when a soil and water quality conservation plan, as approved by the local Soil and Water Conservation District, has been implemented on the adjacent land. Such plan shall be based upon the Field Office Technical Guide of the U.S. Department of Agriculture Soil Conservation Service and accomplish water quality protection consistent with this Ordinance;
- c. The buffer area is not required for agricultural drainage ditches if the adjacent agricultural land has in place best management practices in accordance with a conservation plan approved by the local Soil and Water Conservation District.

3-14-12 WATER QUALITY IMPACT ASSESSMENT REQUIRED FOR DISTURBANCES PROPOSED WITHIN AN RPA

A water quality impact assessment shall be required and submitted in conjunction with a plan of development application for any proposed development or redevelopment within RPAs and for any development within RMAs when required by the Land Use Administrator because of the unique characteristics of the site or intensity of development.

- a. The purpose of the water quality impact assessment is to identify the impacts of proposed development on water quality and lands within RPAs and other environmentally sensitive lands, to ensure that, where development does take place within RPAs and other sensitive lands, it will be located on those portions of a site and in a manner that will be least disruptive to the natural functions of RPAs and other sensitive lands, to protect individuals from investing funds for improvements proposed for location on lands unsuited for such development because of high ground water, erosion, or vulnerability to flood and storm damage; and specify mitigation which will address water quality protection.

- b. Water Quality Performance Standard

A water quality impact assessment must demonstrate through acceptable calculations that the remaining buffer area and necessary best management practices will result in removal of no less than 75 percent of sediments and 40 percent of nutrients from post-development stormwater run-off. The assessment shall include a site drawing to scale which shows the following:

- (1) Location of the components of the RPA, including the 100-foot buffer area;
- (2) Location and nature of the proposed encroachment into the buffer area, including: type of paving material; areas of clearing or grading; location of any structures, drives, or other impervious cover; and sewage disposal systems or reserve drainfield sites;
- (3) Type and location of proposed best management practices to mitigate the proposed encroachment.
- (4) Any other information deemed necessary by the Land Use Administrator which may include:

(a) A hydrogeological element that:

Describes the existing topography, soils, hydrology and geology of the site and adjacent lands;

Describes the impacts of the proposed development on topography, soils, hydrology and geology on the site and adjacent lands; indicates the following:

- Disturbance or destruction of wetlands and justification for such action;
- Disruptions or reductions in the supply of water to wetlands, streams, lakes, rivers or other water bodies;
- Disruptions to existing hydrology including wetland and stream circulation patterns;
- Source location and description of proposed fill material;
- Location of dredge material and location of dumping area for such materials;
- Location of and impacts on shellfish beds, submerged aquatic vegetation, and fish spawning areas;
- Estimation of pre- and post-development pollutant loads in run-off;
- Estimation of percent increase in impervious surface on site and type(s) of surfacing materials used;
- Percent of site to be cleared for project;
- Anticipated duration and phasing schedule of construction project;
- Listing of all requisite permits from all applicable agencies necessary to develop project.

Describes the proposed mitigation measures for the potential hydrogeological impacts. Potential mitigation measures include:

- Proposed erosion and sediment control concepts; concepts may include minimizing the extent of the cleared area, perimeter controls, reduction of run-off velocities, measures to stabilize disturbed areas, schedule and personnel for site inspection;
- Proposed stormwater management system;
- Creation of wetlands to replace those lost;
- Minimize cut and fill.

(b) A landscape element that:

Identifies and delineates the location of all significant plant material, including all trees on site ten (10) inches or greater DBH. Where there are groups of trees, stands may be outlined.

Describes the impacts the development or use will have on the existing vegetation. Information should include:

- General limits of clearing, based on all anticipated improvements, including buildings, drives, and utilities;
- Clear delineation of all trees which will be removed;
 - Description of plant species to be disturbed or removed.

Describes the potential measures for mitigation. Possible mitigation measures include:

- Replanting schedule for trees and other significant vegetation removed for construction, including a list of possible plants and trees to be used;
- Demonstration that the design of the plan will preserve to the greatest extent possible any significant trees and vegetation on the site and will provide maximum erosion control and overland flow benefits from such vegetation;
- Demonstration that indigenous plants are to be used to the greatest extent possible.

(c) A wastewater study for:

- (1) On-site disposal systems not requiring a VPDES permit shall:

Include calculations and locations of anticipated drainfield or wastewater irrigation areas;

Provide justification for sewer line locations on environmentally sensitive areas, where applicable, and describes construction techniques and standards;

- (2) On-site collection systems requiring a VPDES permit shall:

Discuss any proposed on-site collection and treatment systems, their treatment levels, and impacts on receiving watercourses;

Describe the potential impacts of the proposed wastewater systems, including the proposed mitigative measures for these impacts.

- (d) Identification of the existing characteristics and conditions of sensitive lands included as components of the Chesapeake Bay Preservation Areas, as defined in this Ordinance.
- (e) Identification of the natural processes and ecological relationships inherent in the site, and an assessment of the impact of the proposed use and development of land on these processes and relationships.

c. Evaluation Procedure

- (1) Upon the complete review of a water quality impact assessment associated with a proposed encroachment into the 100-foot buffer area, the Land Use Administrator will determine if any proposed modification or reduction to the buffer area is consistent with the provisions of this Ordinance and make a finding based upon the following criteria:
 - (a) The necessity of the proposed encroachment and the ability to place improvements elsewhere on the site to avoid disturbance of the buffer area;
 - (b) Impervious surface is minimized;
 - (c) Proposed best management practices, where required, achieve the requisite reductions in pollutant loadings;
 - (d) The development, as proposed, meets the purpose and intent of this Ordinance;
 - (e) The cumulative impact of the proposed development, when considered in relation to other development in the vicinity, both existing and proposed, will not result in a significant degradation of water quality.
- (2) Upon the completed review of a water quality impact assessment affecting RPA components other than the 100-foot buffer area, the Land Use Administrator will determine if the proposed development is consistent with the purpose and intent of this Ordinance and make a finding based upon the following criteria in conjunction with the plan of development submittal:
 - (a) Within any RPA, the proposed development is water-dependent;
 - (b) The disturbance of wetlands will be minimized;
 - (c) The development will not result in significant disruption of the hydrology of the site;
 - (d) The development will not result in significant degradation to aquatic vegetation or life;
 - (e) The development will not result in unnecessary destruction

of plant materials on site;

- (f) Proposed erosion and sediment control concepts are adequate to achieve the reductions in run-off and prevent off-site sedimentation;
 - (g) Proposed stormwater management concepts are adequate to control the stormwater run-off to achieve the required standard for pollutant control;
 - (h) Proposed revegetation of disturbed areas will provide optimum erosion and sediment control benefits;
 - (i) The design and location of any proposed drainfield will be in accordance with the requirements with this Ordinance;
 - (j) The development, as proposed, is consistent with the purpose and intent of this Ordinance;
 - (k) The cumulative impact of the proposed development, when considered in relation to other development in the vicinity, both existing and proposed, will not result in a significant degradation of water quality.
- (3) Upon receipt of a water quality impact assessment, the Land Use Administrator may request the Chesapeake Bay Local Assistance Department (CBLAD) to review the assessment and respond with written comments. Any comments by CBLAD will be incorporated into the final review by the Land Use Administrator, provided that such comments are provided by CBLAD within 90 days of the request. The necessity for a review by CBLAD may necessitate the automatic extension of the time periods in which a decision is made as provided in Article 2 of this Ordinance.
- (4) The Land Use Administrator shall require additional mitigation where potential impacts have not been adequately addressed. Evaluation of mitigation measures will be made by the Land Use Administrator on the criteria listed above in sections 3-14-12c(1) and 3-14-12c(2).
- (5) The Land Use Administrator shall find the proposal to be inconsistent with the purpose and intent of this Ordinance when the impacts created by the proposal cannot be mitigated. Evaluation of the impacts will be made by the Land Use Administrator based on the criteria listed above in sections 3-14-12c(1) and 3-14-12c(2).

3-14-13

EXCEPTION REQUESTS WITHIN THE RPA

a. Request for Exception

A request for an exception to the requirements of this Section shall be made in writing to the Land Use Administrator. It shall identify the impacts of the proposed exception on water quality and on lands within the RPA through the performance of a water quality impact assessment which complies with the provisions of 3-14-12.

b. Exception Review

The Land Use Administrator shall review the request for an exception and the water quality impact assessment and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of this Ordinance if the Land Use Administrator finds:

- (1) Granting the exception will not confer upon the applicant any special privileges that are denied by this Ordinance to other property owners of Richmond County;
- (2) The exception request is not based upon conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels;
- (3) The exception request is the minimum necessary to afford relief;
- (4) The exception request will be consistent with the purpose and intent of this Ordinance, and not injurious to the neighborhood or otherwise detrimental to the public welfare; and
- (5) Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.

3-14-14 VARIANCE REQUESTS WITHIN THE RPA

If the Land Use Administrator cannot make the required findings or refuses to grant the exception, the Land Use Administrator shall return the request for an exception together with the water quality impact assessment and the written findings and rationale for the decision to the applicant, with a copy to the Board of Zoning Appeals. The applicant may then apply to the Board of Zoning Appeals for a variance in accordance with DMP-d (Section 2-1-2d).

3-14-15 BOARD OF ZONING APPEALS RESPONSIBILITY FOR VARIANCE REQUESTS WITHIN THE RPA

The Board of Supervisors shall consider the water quality impact assessment and the findings and rationale of the Land Use Administrator in determining consistency with the intended spirit and purpose of this Ordinance.

3-14-16 PERMITTED USES WITHIN FLOODPLAIN AREAS POSITIONED LANDWARD OF THE RPA

Uses allowed in the underlying district shall be prohibited to the extent not permitted by right or by special use permit in the WATER District. Where any uses, structures or improvements will result in an alternation to the floodplain, the plan of development application alteration as per Section 3-14-20. The following uses, having a low flood damage potential and causing no obstruction of flood flows, shall be permitted within the WATER District.

- a. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, aquaculture, horticulture, wild crop harvesting, vegetable gardens, truck farming, sod farming, and farm

ponds designed by the Soil Conservation Service. In addition, timber harvesting is permitted upon submission of a Timber Management Plan that has been approved by the Virginia Division of Forestry.

- b. Public or private recreational uses such as golf courses, driving ranges, archery ranges, picnic grounds, swimming areas except for swimming pools, wildlife and nature preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails, play areas of natural, permeable nature, including ball fields, and other similar park and open space uses.
- c. Stormwater management.
- d. Utility lines, public road crossings approved by the Virginia Department of Transportation, and private drives serving one lot.
- e. Repair, reconstruction or improvement of existing residences.
- f. Unpaved parking areas.
- g. Incidental structures, not exceeding 840 square feet of floor area such as structures including storage sheds, maintenance sheds, backstops, bath houses and locker rooms. Bulk storage of gasoline, chemicals, fuels or similar substances are prohibited in the WATER District.
- h. Temporary storage of material or equipment necessary in the construction of uses or structure permitted by right or special use permit in the WATER District.
- i. Restoration and rehabilitation of historic structures included on a federal, state or local historic register.

3-14-17

SPECIAL USE PERMITS WITHIN FLOODPLAIN AREAS POSITIONED LANDWARD OF THE RPA

a. Special Use Permits

These uses will not only be evaluated as to show they impact the floodplain but also how they affect land use and the integrity of the base zoning district.

- (1) Incidental structures, greater than 840 square feet of floor area, associated with uses permitted by right or special use permit exception in the WATER District.
- (2) Marinas, boat rentals, docks, piers, wharves, and incidental structures associated with such uses, such as bath houses and locker rooms.
- (3) Riding stables.
- (4) Circuses and similar transient amusement enterprises.
- (5) Basketball and tennis courts.
- (6) Swimming pools.
- (7) Fishery uses such as fish hatcheries, fish harvesting.

b. Standards for the Issuance of Special Use Permits

In considering applications for special use permits, the plan-approving authority must be satisfied that the following standards have been met:

- (1) The proposed use will not increase the danger to life and property due to increased flood heights or velocities caused by encroachments.
- (2) The proposed use will not increase the danger that materials may be swept on to other lands or downstreams to the injury of others.
- (3) The proposed water supply and sanitation systems are designed to prevent disease, contamination, and unsanitary conditions.
- (4) The proposed use or structure must be located and designed to limit its susceptibility to flood damage, and available alternative locations, not subject to flooding, for the proposed use must be considered.
- (5) The proposed use is compatible with existing and planned development.
- (6) The proposed use is in harmony with the Comprehensive Plan.
- (7) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site should not cause significant damage to the structure.
- (8) Such other standards as applied to special use permits in general.

3-14-18

WHEN RESIDENTIAL STRUCTURES ARE PERMITTED IN FLOODPLAIN AREAS POSITIONED LANDWARD OF THE RPA

A residential structure may be constructed within the floodplain area landward of the RPA if the following conditions are met:

- a. The lot was a lot of record as of the date this Ordinance was adopted.
- b. There are no areas outside of the floodplain on the lot upon which the residence can be constructed.
- c. The lowest horizontal structural member of the dwelling shall be at least one foot above the elevation of the floodplain.
- d. The residential structure shall not be a manufactured home unless elevated one foot above the floodplain, anchored in accordance with the Virginia Uniform Statewide Building Code and in compliance with the requirements of Section 3-15.

3-14-19

DESIGN CRITERIA FOR UTILITIES AND FACILITIES WITHIN FLOODPLAIN AREAS POSITIONED LANDWARD OF THE RPA

a. Sanitary Sewer Facilities

All new or replacement sanitary sewer facilities and private package sewage treatment plants (including all pumping stations and collector

systems) shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the floodwaters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

b. Water Facilities

All new or replacement water facilities shall be designed to minimize or eliminate infiltration or flood waters into the system and be located and constructed to minimize or eliminate flood damages.

c. Drainage Facilities

All storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The systems shall ensure drainage away from buildings and on-site waste disposal sites. The plan-approving authority may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.

d. Utilities

All utilities, such as gas lines, electrical and telephone systems being placed in flood-prone areas should be located, elevated and constructed to minimize the chance of impairment during a flooding occurrence.

e. Streets and Sidewalks

Streets and sidewalks should be designed to minimize their potential for increasing and aggravating the levels of flood flow. Drainage openings shall be required to sufficiently discharge flood flows without unduly increasing flood heights.

3-14-20

ENGINEERING AND ENVIRONMENTAL CRITERIA FOR PROPOSED ALTERATIONS TO FLOODPLAIN AREAS POSITIONED LANDWARD OF THE RPA

All proposed alterations to the floodplain shall be reviewed by the plan-approving authority to determine whether the following criteria have been met:

- a. Alterations to the floodplain shall result in no off-site increase in the water surface elevation of the base flood. Alterations in the floodway shall result in no rise in the water surface elevation of the base flood. The floodway is the unobstructed portion of the floodplain consisting of the water channel and overbank areas capable of conveying the deep and fast moving water discharge of the base flood as defined in the Federal Emergency Management Agency study.
- b. Alterations to the floodplain shall not create erosive water velocity on or off site (where erosive water velocity is based on analysis of the surface material and permissible velocities for specific cross sections affected by the proposed alteration, using standard engineering tables as a general guide), and the mean velocity of stream flow at the downstream end of the site after alteration shall be no greater than the mean velocity of the stream flow under existing conditions.

- c. Relocation or alteration of the natural channel shall not be permitted without a complete stream rehabilitation program depicted on a floodplain alteration plan.
- d. The maximum allowable slope of any filled area on the floodplain alteration plan shall be 3:1.
- e. The floodplain alteration plan shall further include plans for erosion control of cut and fill slopes and restoration of excavated areas. The site plan should incorporate the use of natural materials (earth, stone, wood) on cut and fill slopes and provide for tree protection wherever possible.
- f. Alterations to the floodplain shall be in conformance with the provisions of Section 4-8 and the Erosion and Sediment Control Law, VA Code Section 21-89.1 et seq.
- g. The flood carrying capacity within the altered or relocated portion of any watercourse shall be maintained.

3-14-21

EXISTING STRUCTURES WITHIN THE FLOODPLAIN

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

- a. Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any floodplain district to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.
- b. The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a flood plain district, to an extent or amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with the provisions of the Virginia Uniform Statewide Building Code.
- c. Uses or adjuncts thereof which are, or become, nuisances shall not be permitted to continue.

3-14-22

RESTRICTIONS ON DISTURBANCES OF SLOPES IN EXCESS OF TWENTY-FIVE PERCENT (25%) WHICH ARE CONTIGUOUS TO TIDAL WETLANDS, TIDAL SHORES OR CONNECTED NONTIDAL WETLANDS

- a. Roads and drives shall not be allowed on slopes of greater than 25%, except where no other options exist to access a property.
- b. Land disturbing activities such as clearing and grading shall not be permitted on slopes in excess of 25%, except for minimal clearing as needed, for roads and drives.
- c. No dwelling shall be constructed on slopes greater than 25%. Additionally, slopes of 25% or greater shall not be used for drainfields.
- d. Clear cutting of trees shall not be permitted. Selected thinning

based upon best management practices and in accordance with a plan approved by the plan-approving authority is permitted.

3-15 AFFORDABLE HOUSING (AFFORDABLE) OVERLAY DISTRICT

3-15-1 PURPOSE

It is the intent of this overlay zoning district to provide the opportunity for the use of low and moderate income housing throughout the County where appropriate and to the extent that it is needed for the residents of Richmond County. The opportunities provided by this section of the Ordinance for the use of manufactured housing are in addition to affordable housing opportunities provided within the ROSCO zoning district.

3-15-2 ADMINISTRATIVE PROVISIONS

a. Permits Required

No manufactured home shall be located or relocated within Richmond County until a certificate of compliance and a manufactured home placement permit as provided for in Section 2-8-1 of this Ordinance are issued. No permit shall be granted for residential use of a manufactured home in Richmond County until an approved water well and septic tank disposal system has been installed and certified operational by the Health Officer.

Once all requirements have been met regarding the placement of a manufactured home within Richmond County except for the installation of water and septic disposal systems, the Building Official shall provide to the applicant a "Conditional Certificate" which shall guarantee the issuance of a permit when the approved water well and septic tank disposal system has been installed and certified operational by the County Sanitarian, Virginia Department of Health.

b. Right to Refuse a Building Permit

- (1) In order to exercise the intent of this Ordinance and provide control over the number and location of manufactured homes in Richmond County, the County reserves the right to refuse to issue a building permit when, in its judgment, an individual manufactured home or manufactured home park/subdivision is not in keeping with the intent and purpose of this Ordinance.
- (2) Any person or persons whose application for a permit has been denied may request and shall be granted a hearing on the matter by the Board of Zoning Appeals

c. Entry into the County/Relocation Within the County

- (1) No person, persons, firm, corporation, manufactured home dealer or seller, installer, or transporter shall move or transport a manufactured home into Richmond County for the purpose of said manufactured home being eventually located in the County without first having obtained a Certificate of Compliance/manufactured home placement permit.
- (2) No person, persons, firm, corporation, manufactured home

dealer or seller, installer, or transporter shall move, transport, store, or maintain a manufactured home within the boundaries of Richmond County for the purpose of relocating said manufactured home onto another site within the County without first having obtained a Certificate of Compliance/manufactured home placement permit.

d. Notification of Delivery

The County building official must be present and on the site at the time that a manufactured home is delivered to any such site within the boundaries of Richmond County for the purpose of being set up on such site. It shall be the responsibility of the homeowner, landowner, seller, manufactured home dealer, installer, and hauler to ensure that the building official has been notified at least 24 hours in advance of the delivery and that a time suitable to the building official has been arranged for such delivery. No manufactured home shall be set on a site until the Building Official is present and has inspected the site.

The building official shall be notified that a manufactured home will be moved or transported within the County to a location within the County and shall be provided with the following information:

- (1) Destination
- (2) Date
- (3) Time
- (4) Owner
- (5) Landowner
- (6) Title Number
- (7) Serial Number
- (8) Make
- (9) Model
- (10) Year
- (11) Dimensions (length and width)
- (12) HUD Number

e. Certificate of Occupancy

No individual manufactured home shall be occupied until a Certificate of Occupancy shall have been issued by the Building Official.

- (1) The Certificate Occupancy shall not be issued until the following have been completed, inspected and approved by the Building Official:

Footing/foundation inspection;
Mounting/support pillar inspection;
Anchoring/tie-down inspection;
Drainage line inspection;
Water line inspection;
Step, stoop, and handrail inspection;
Electrical power supply approval inspection;

- (2) After these have been approved by the Building Official and

occupancy is imminent, a certificate of occupancy shall be issued.

- (3) Within thirty (30) days after receipt of the certificate of occupancy, the owner or occupant shall verify to the Building Official that a successful bacteriological examination of the water to be used within the manufactured home has been completed.

f. Compliance

- (1) The owner, landowner, permit holder, or their authorized agent shall bring the manufactured home into compliance with the provisions of the Virginia Industrialized Building Safety Law, and the Virginia Uniform Statewide Building Code, as amended, within sixty (60) days after the issuance of the manufactured home placement permit.
- (2) Should the manufactured home not be in compliance as stated above within the initial sixty (60) days, the Building Official shall give written notice to the owner, landowner, or permit holder, that unless the necessary conditions or practices to bring the structure into compliance are completed within an additional thirty (30) days, to the satisfaction of the building official the Building Official shall immediately initiate the appropriate legal proceedings.

g. Notification of Removal

The Building Official and the Land Use Administrator shall be notified within ten (10) days of the removal of a manufactured home from Richmond County.

h. Removal of a Replaced Manufactured Home Within Sixty (60) Days

A manufactured homeowner who has replaced a manufactured home with another dwelling structure on his land to which he has occupied shall have sixty (60) days in which to remove the manufactured home from his property, either by sale or other means.

i. Removal of a Unit Located or Relocated in the County Without a Permit

- (1) If a manufactured home is illegally located or relocated in Richmond County in violation of this Ordinance, the Land Use Administrator, after giving ten (10) days notice to the owner of the manufactured home or the owner of the real property on which the manufactured home is located if the owner of the manufactured home cannot be determined or located, shall have the right to cause the removal of the manufactured home from its location and store the manufactured home in a location approved by the County for that specific enforcement purpose until such time as it is reclaimed by the owner. The expenses of removing the manufactured home and storing it shall be a lien against the manufactured home and must be paid before the manufactured home is released to the owner, provided that the County shall not be required to release the manufactured home until such time as the owner can present evidence that the manufactured home will be removed from the County or located in the County in conformance with this Ordinance. Richmond County, its Board of Supervisors, or any

of its agents shall not be responsible for any damage occurring to the unit in the process of moving or storing it as required under this section.

- (2) It is further provided that after thirty (30) days, the Board shall have the right to enforce the lien against any manufactured home removed or stored under the provisions of this section by following the provisions of Section 43-34 of the Code of Virginia, 1950 as amended, or by following the provision of any Code section replacing Section 43-34.

j. Enforcement

- (1) The Health Officer, Land Use Administrator, and Building Official are authorized, empowered, and directed to make periodic and frequent inspections throughout the county to ascertain whether there are manufactured homes or manufactured home subdivisions/parks within the county in violation of county and state laws. The Health Officer shall notify the Building Official of any such violations so that action may be taken to correct the situation.
- (2) The Land Use Administrator and the Building Official shall have the right, at all reasonable hours, to enter onto any landowner's property for examination as to compliance with all local, state, and federal laws and regulations.

k. Violation and Penalty

- (1) Whenever, upon inspection of any manufactured home, the Health Officer, Land Use Administrator, or Building Official finds that conditions exist which are in violation of any of the provisions of the Virginia Industrialized Building and Manufactured Home Safety Regulations, the Virginia Uniform Statewide Building Code, or this Ordinance, the Land Use Administrator/Building Official shall give written notice to the owner, landowner, and/or permit holder that unless such conditions or practices are corrected within thirty (30) days, such owner, landowner, or permit holder shall be deemed in violation of the appropriately referenced regulation, law or code.
- (2) Any person, persons, firm, or corporation which fails to comply with any or all of the requirements of the aforementioned codes or laws or directions of the Building Official shall be liable to the penalties as provided in Section 2-9-3. The imposition of a fine or penalty for any violation or noncompliance shall not excuse the violation or noncompliance or permit it to continue; all such persons shall be required to correct, abate, or remedy such violations or noncompliance within a reasonable time. A reasonable compliance time should normally not exceed thirty (30) days.

3-15-3

GENERAL REQUIREMENTS

- a. No mobile home shall be positioned so as to be visible from the following roadways, rivers and waterbodies:
- b. No mobile home park or subdivision shall exceed twenty-five (25) units in size. Mobile home parks and subdivisions shall have a gross density of one unit per ten acres.

c. No mobile home park or subdivision shall be located within 1,000 feet of a single family dwelling.

d. Mobile Homes Prohibited in Hurricane Zone

No mobile homes shall be located in any area in Richmond County designated as a "hurricane zone" unless such mobile home is brought up to current HUD standards for manufactured homes.

e. Individual Sewage Disposal System

No individual manufactured home shall be connected to the sewer system of any other manufactured home or to the sewer system of any other main structure.

f. Perimeter Enclosure

(1) Every manufactured home to be located or relocated in Richmond County shall be skirted on all four sides; skirting shall be securely fastened in place. The skirting shall be installed prior to the issuance of an occupancy permit and the authorization for electrical service.

(2) Skirting shall be of rigid weatherproof material approved by the Building Official. Any such skirting shall be properly vented and supplied with an approved means of access to meet the requirements of the Building Code.

g. Main Structure

All manufactured homes to be occupied as a dwelling shall be considered a main structure and regulated as such.

h. Existence of An Approved Water Well and Septic Tank System Before Placement of the Manufactured Home on the Site

No person, persons, firm, corporation, manufactured home dealer or seller, installer or transporter shall locate or relocate a manufactured home within the boundaries of Richmond County for the purpose of being eventually used as a dwelling without first verifying that an approved water well and septic tank system has been installed before placing the manufactured home on the site.

i. Replacement

Existing mobile or manufactured homes may be replaced with manufactured home units meeting the requirements of this Ordinance.

j. Recreational Vehicles

Recreational vehicles are not intended as single family dwellings and shall not be used as such in Richmond County. Any such use shall be considered a violation of this Ordinance.

k. Additions to the Manufactured Home

(1) Any addition (such as a room, deck, or screened porch) to a manufactured home shall require a permit issued by the building official. Any such addition shall comply with this Ordinance and the applicable requirements for the Virginia Uniform Statewide Building Code, including amendments thereto.

(2) The Land Use Administrator may, at his discretion, order the

immediate removal of any appurtenance or detached structure for which no certificate of compliance or certificate of occupancy was obtained.

1. **Manufactured Homes May Not Be Used for Storage Purposes**

No manufactured home shall be located or relocated in Richmond County exclusively for the purpose of being used for storage purposes. The Land Use Administrator shall immediately initiate legal proceedings for the removal of such manufactured home.

m. **Manufactured Home May Not Be Used as a Rental Unit Except as Provided**

No manufactured home shall be located or relocated on an individual lot within Richmond County for the sole purpose of providing rental housing unless the occupant is an employee on the farm upon which the manufactured home is located in which case only one manufactured home may be used as such per each farming operation. All other manufactured homes to be used for rental housing shall be located only within approved manufactured home parks.

n. **Compliance with this Ordinance and the Comprehensive Plan**

The proposed placement of a manufactured home in Richmond County shall comply with this Ordinance as applicable including the plan of development process and the Comprehensive Plan.

o. **A Community Impact Assessment as provided by Section 2-2-6 may be required to be submitted in conjunction with applications for manufactured home subdivisions and manufactured home parks.**

p. **Home Occupations**

Manufactured homes may be used for home occupations, as defined.

3-15-4

MANUFACTURED HOMES LOCATED OUTSIDE OF MOBILE HOME PARKS AND MOBILE HOME SUBDIVISIONS

a. **Minimum Lot Size**

Individual manufactured home lots shall comply with the lot size requirements of Section 3-10-9c.

b. **Minimum Setback**

The minimum setback requirements shall comply with the requirements of Section 3-10-9e.

c. **Owner Occupied**

Any individual manufactured home located in Richmond County shall be placed on its own recorded parcel of land, and shall be owner/occupied.

d. **Separate lots created in accordance with Sections 3-10-5f and 3-10-6f may be used for owner occupied manufactured homes.**

e. **Conditions Under Which a Manufactured Home May Share a Lot with Another Manufactured or Detached Single Family Dwelling**

- (1) the occupant of a manufactured home placed upon a parcel with an existing dwelling shall be a family member of the parcel owner, meaning child, spouse, parent, sibling, grandparents and grandchildren; and
- (2) no more than two units shall be placed upon a parcel with an existing dwelling; and
- (3) the area to be occupied by the manufactured home shall meet all requirements of lot size and setbacks, exclusive of a reasonable area occupied by the existing dwelling, such area to be determined by the Land Use Administrator and which shall include, at a minimum, the existing dwelling, driveway, septic system and drainfield, and well; and
- (4) there shall be at least fifty (50) feet distance between the manufactured home and the existing dwelling; and
- (5) such manufactured home shall have a sewage disposal system which is separate from the existing structure and other manufactured home on the parcel.

f. Manufactured Home Used for a Temporary Dwelling

- (1) A manufactured home may be used for temporary dwelling for up to two (2) years during construction of a primary dwelling unit. The manufactured home must meet all requirements of this Ordinance, however, a relaxation of the dimensional requirements (setbacks, lot size and width, etc.) may be allowed so that the primary dwelling structure may receive optimal placement.
- (2) Building permits for the manufactured home and the primary dwelling unit must be obtained concurrently.
- (3) A performance bond in the amount of \$1,000 must be posted before a permit is issued. The bond will be released with interest upon the removal of the manufactured home from the premises.
- (4) If more than two (2) years is needed to complete construction on the primary dwelling the applicant must request an extension of time from the Land Use Administrator. An extension no longer than one (1) year may be granted but only if significant progress towards permanent construction has been visually evidenced.

g. Surveyor's Certificate

When it is difficult for the Land Use Administrator to determine that the location of a manufactured home is in accordance with the setback requirements, he may request that the placement be certified by a registered land surveyor and a verifying survey be completed and submitted. The owner shall pay the cost for any such survey.

3-15-5

MANUFACTURED HOME PARKS

a. Density

The total density of any manufactured home park shall not exceed one (1) unit per four (4) gross acres, and the net density on any particular acre within such park shall not exceed five (5) units per acre. Land outside of the immediate bounds of the manufactured home park shall be protected by a conservation easement and be identified as "ROSCO Conservancy" on the zoning map.

b. Minimum Park Size - Number of Spaces

The minimum area for any manufactured home park exclusive of lands proposed as "ROSCO Conservancy" shall be two (2) acres, and the minimum number of spaces completed and ready for occupancy before first occupancy is permitted shall be six (6), unless otherwise permitted by the plan-approving authority.

c. Minimum Lot Size

The minimum area for any individual manufactured home lot including the area required for the mobile home stand within the park shall be eight thousand (8,000) square feet. The minimum average width for each manufactured home lot shall be sixty-five (65) feet, except that for any stands designed for manufactured homes greater than fifteen (15) feet in width, the minimum average lot shall be one (1) additional foot over for every additional foot of width of the manufactured home.

d. Yard and Setback Requirements

The minimum distance from the line or corner of any manufactured home stand to a private access drive, a common parking area, a common walk, a buffer strip, or other common area shall be fifteen (15) feet. Patios, carports, and individual storage facilities may be disregarded in determining yard widths.

e. Buffer Area

Each manufactured home park shall utilize the "ROSCO Conservancy" areas as a buffer area around its perimeter (Section 4-12-6).

f. The Manufactured Home Lot

No manufactured home park lots shall be offered for sale or sold. The limits of each manufactured home lot shall be marked on the ground by suitable means. Location of lot limits on the ground shall be the same as shown on approved plan of development. Each lot shall be landscaped to the extent required by Section 4-12-5f.

g. Manufactured Home Stand

- (1) The manufactured home stand shall be an improved area to provide adequate support for the placement and tie-down of the manufactured home. Each stand shall be constructed of an appropriate material properly placed, graded and compacted, so as to be durable and adequate for the support of the maximum anticipated loads during all seasons, and shall not heave, shift, or settle unevenly under the weight of the manufactured home due to frost action, inadequate drainage, or other forces.
- (2) The manufactured home stand shall be of sufficient size as to be suitable for the adequate support of manufactured homes of the dimensions anticipated.
- (3) The location of each manufactured home stand shall be at such elevation, distance, and angle in relation to the access street that placement and removal of the manufactured home is practical.

h. Accessory Structures

Accessory structures shall depend upon the manufactured home and shall not provide complete independent living facilities with permanent provisions for sleeping, cooking, or sanitation. Such structures shall be erected or constructed on a manufactured home lot as directed by the management of the manufactured home park, as required by applicable national, state, or local standards, and as specified herein:

- (1) Accessory structures shall not obstruct required openings for light and ventilation of the manufactured home, and shall not prevent inspection of manufactured home equipment and utility connections.
- (2) Construction and electrical installations, unless otherwise specified, shall comply with applicable ANSI Standard A119.1.
- (3) Electrical circuits supplying the accessory structure shall be independent of the circuit supplying the manufactured home.

i. Recreation Area

- (1) Not less than ten (10) percent of the gross site area shall be devoted to active recreational facilities, generally provided in a central location.
- (2) Recreation facilities shall include playground equipment (swings, slide and sandbox), one basketball backboard with a paved play surface, and an area 30,000 square feet in size suitably shaped for a ball field.
- (3) Recreation areas shall be located so as to be free of traffic hazards.

j. Driveways

- (1) Improved driveways should be provided on lots where necessary for convenient access to manufactured homes. The minimum width in such case shall be ten (10) feet.
- (2) The design criteria for automobile parking shall be based on two parking spaces for each manufactured home lot. Parking may be in tandem.

k. Streets

Streets shall comply with the requirements of Section 4-3. The standards for paved tertiary subdivision streets shall serve as a minimum standard.

l. Utilities

- (1) Utilities shall comply with Section 4-5 and 4-6.
- (2) The water system of all manufactured home parks shall have at least one fire hydrant available for hook-up by the Fire Department. The minimum size connection shall be one and one-half inches (1-1/2").

m. Refuse Handling

Refuse handling shall comply with Section 4-15.

n. Registration of Occupants

Every manufactured home park owner or operator shall maintain a register containing a record of all manufactured homes and occupants using the manufactured home park. This register shall be available to any authorized person inspecting the park, to the Commissioner of Revenue of Richmond County, and any law enforcement officer in the performance of his official duties. It shall be preserved for a period of not less than three (3) years. The register shall contain the following information:

- (1) Name and address of each occupant, with ages of all occupants under the age of eighteen (18) years old;
- (2) Manufactured home license number, if any, serial number, and manufacturer's name;
- (3) Automobile license number of occupant;

- (4) Manufactured home space to which assigned;
- (5) Last place of location;
- (6) Date of Arrival;
- (7) Date of Departure.

3-15-6

MANUFACTURED HOME SUBDIVISIONS

- a. Permitted Uses
 - Single family detached dwellings
 - Manufactured homes
 - Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts, and other similar recreation facilities
 - Accessory buildings or structures
- b. The requirements of Sections 3-10-4a and b and 3-10-9a,c,d,e,f,g and h apply in its entirety. 3-10-9a, c-h shall apply equally to manufactured home subdivisions.

3-16 SUPPLEMENTAL DISTRICT REGULATIONS

3-16-1

USES NOT SPECIFICALLY PERMITTED

Uses not specifically permitted in any district established by this chapter shall not be allowed. Persons desiring inclusion in the Zoning Ordinance of a use not specifically permitted shall apply for an amendment to the text of the Zoning Ordinance following the provisions of Section 2-5-1.

3-16-2

RIGHT TO FARM

The right to farm all land is hereby recognized to exist as a natural right and is also hereby ordained to exist as a permitted use everywhere in the County, regardless of zoning designation and regardless of specified uses and prohibited uses set forth elsewhere in this chapter, subject only to State and County restrictions and regulations for intensive fowl or livestock farms. The right to farm as it is used in this section includes the use of large irrigation pumps and equipment, aerial and ground seeding and spraying, large tractors, numerous farm laborers and the application of chemical fertilizers, insecticides, and herbicides; all for the purpose of producing from the land agricultural products such as vegetables, grains, hay, fruits, fibers, wood, trees, plants, shrubs, flowers and seeds. This right to farm shall also include the right to use land for grazing by animals, subject to restrictions for intensive fowl or livestock farms. The foregoing uses and activities included in the right to farm, when reasonable and necessary for the particular farming, livestock or fowl production, and when conducted in accordance with generally accepted agricultural practices, may occur on holidays, Sundays and weekdays, at night and in the day, and the noise, odors, dust and fumes that are caused by them are also specifically permitted as part of the exercise of this right.

It is expressly found that whatever nuisance may be caused to others by

such uses and activities so conducted is more than offset by the benefits from farming to the neighborhood and community, and to society in general, by the preservation of open space, the beauty of the countryside, clean air and by the preservation and continuance of farming operations in Richmond County and in Virginia as a source of agricultural products for this and future generations.

3-16-3

ACCESSORY USES

Accessory uses and structures shall be permitted in any zoning district, unless qualified herein, but only in connection with, incidental to, and on the same lot with a principal use or structure which is permitted within such district.

a. Accessory Uses Permitted in Conjunction with Residential Uses

The following accessory uses shall be permitted in conjunction with residential uses:

- (1) Antenna structures for radio, television, and other noncommercial communication purposes subject to the following provisions:

All locational standards and setbacks applicable to accessory structures shall be observed;

Antennas up to 50 feet in height shall be permitted only on lots in excess of, fifty (50) acres in size.

The above provisions notwithstanding, dish antennas shall be subject to the following standards:

Dish antennas shall not exceed twelve (12) feet in diameter and fifteen (15) feet in height.

Dish antennas shall be permitted in rear yards only. No part of a dish antenna shall be closer than fifteen (15) feet to any lot line.

All dish antennas and the construction and installation thereof shall conform with applicable requirements of the Uniform Statewide Building Code. No dish antenna may be installed on a portable or moveable device.

Dish antennas are not permitted within Rural Village option areas.

The above provisions shall not apply to any dish antenna used by a cable company possessing a valid franchise issued by the Richmond County Board of Supervisors.

- (2) An accessory detached dwelling is permitted in the Rural Village and Rural Hamlet option areas subject to:

- it being positioned within a rear yard;
- it being at least ten (10) feet from a property line;
- it being clearly accessory in size to existing principal dwelling;
- it not being permitted on one lot already containing a duplex structure;

- it being architecturally compatible with the principal use;
- the principal dwelling on the lot being owner-occupied; if the principal dwelling is not occupied by the owner, the accessory detached dwelling may not be occupied, or vice-versa.

Accessory dwelling units shall not count toward the total permitted lot yield.

- (3) Barns or other structures that are customarily incidental to an agricultural use.
- (4) Carports, garages, utility sheds, and similar storage facilities customarily associated with residential living.
- (5) Child's playhouse, without plumbing.
- (6) Private kennels on lots in excess of five (5) acres.

- (7) Doghouses, pens, or similar structures for the housing of not more than four (4) commonly accepted domestic animals over the age of six (6) months. The keeping of more than four (4) such animals over the age of six (6) months shall be deemed a private kennel (see 3-16-2a(6) above).
- (8) Home occupations as permitted and regulated in Section 3-16-3.
- (9) Parking or storage of small cargo or utility trailers, recreational vehicles and similar equipment, including, but not limited to, boats, boat trailers, motor homes, tent trailers and horse vans, provided that the following requirements are observed:

such equipment shall not be used for living, housekeeping or business purposes when parked or stored on the lot;

wheels or other transporting devices shall not be removed except for necessary repairs and/or seasonal storage;

storage shall not be permitted in side yards or within the front yard setback.

- (10) Outdoor recreation facilities such as swimming pools, tennis courts, basketball courts, private boat docks, piers or boat houses, provided that the use of such facilities shall be limited to the occupants of the premises and guests for whom no admission or membership fees are charged and are permitted within the base or overlay district in which the lot or parcel is located.

- (11) Fences or walls provided that:

fences or walls located in rear yards shall not exceed six (6) feet in height;

fences or walls located in front or side yards shall not exceed four (4) feet in height, provided however, that a fence not exceeding six (6) feet in height may be extended from the rear yard into any side yard only if a side entrance exists and then only to a point not more than five (5) feet beyond any side entrance to the main residential building;

chain link fences are not permitted in Rural Village or Hamlet Option areas;

electrical fences and fences using barbed wire shall be prohibited in residential areas as determined by the Land Use Administrator;

the above standards shall not be deemed to prohibit any fences or walls which may be required for screening, security or safety purposes by other sections of this Ordinance; and the above provisions notwithstanding, the Land Use Administrator may authorize the erection of a fence not exceeding eight (8) feet in height in a rear yard or in a side yard area, but not closer to the front of the lot than the front of the principal building, when such fence is determined to be necessary, in the opinion of the Land Use Administrator, for purposes of screening views from or into windows located on the side of the subject residence or for rear yard privacy purposes. In addition to the above, such privacy fences not exceeding eight (8) feet in height may be extended

further into a side or front yard area when considered necessary in the opinion of the Land Use Administrator to provide screening for existing residential development.

- (12) Roadside sales of produce provided that such operations shall be limited to the sale of produce grown or raised on the premises and shall provide off-street parking for not less than three (3) vehicles.

- (13) Yard/garage sales subject to the following provisions:

Items offered for sale shall be limited to those which are owned by an occupant of the premises or authorized participants and which are normally and customarily used or kept on a residential premises. Such items shall not have been specifically purchased or crafted for resale;

Participation in such sale shall be limited to the occupant of the premises and not more than four (4) non-occupants. For the purpose of this section, participation shall be construed to mean the offering for sale of items owned by an occupant or participating non-occupant, whether or not that individual is physically present on the premises during the conduct of such sale;

such sales shall be limited to two (2) in any given calendar year. The duration of any single sale shall not exceed three (3) consecutive days.

- (14) Craft sales/shows subject to the following provisions:

Items offered for sale shall be limited to those which have been made or crafted by the participants as a hobby or a vocation as distinguished from items which are made in the conduct of a home occupation;

Participation in such sales/shows shall be limited to an occupant of the premises and not more than four (4) non-occupants. For the purposes of this section, participation shall be construed to mean the offering for sale of items made or crafted by an occupant or participating non-occupant, whether or not that individual is physically present on the premises during the conduct of such sale or show;

Not more than one (1) such sale/show event shall be conducted on a premises in any given calendar year. For the purposes of this section, the duration of any sale/show event shall be limited to five (5) days within a period of ten (10) consecutive days;

Such sales and shows may be conducted only upon authorization by the Land Use Administrator of a Temporary Special Permit. The Land Use Administrator shall make his determination with respect to approval or denial of said application within ten (10) working days of its submission and shall consider the following in making said determination:

The proposed location of the sale and the probable impact on adjacent land uses;

The ability of the structure in which such sale will be conducted to accommodate safely the numbers of persons likely to patronize such event;

The ability of the streets in the immediate vicinity of such residential property to accommodate adequately and safely the traffic and parking demand anticipated to be associated with such an event without disruption of normal traffic circulation and emergency access needs.

In the event the Land Use Administrator determines that the conduct of such craft sale or show at the proposed location would adversely affect the surrounding land uses, the normal and essential traffic circulation needs of the immediate vicinity, or the safety and welfare of participants, patrons or the general public, the application for the temporary special permit shall be denied.

- (15) Horses may be permitted provided that residential lots shall be at least three (3) acres for the first horse and for each additional horse, one additional acre must be provided.
- (16) Farm animals (such as cows, pigs, hogs, goats, sheep, mules, horses and other livestock, chickens and other fowl, bees, and similar utilitarian animals) shall not be permitted in the following ROSCO option areas: Rural, Hamlet, Rural Village, and Rural Development.

- (17) Accessory buildings on residential lots:

Shall not exceed twenty-four (24) feet in height, and shall not contain more than one and one-half (1-1/2) stories, but in no case shall it exceed the height of the main building.

Shall not occupy more than thirty percent (30%) of the rear yard area in residential areas.

Shall be located at least three (3) feet from side lot lines, and at least five (5) feet from rear lot lines.

Shall not be erected on a lot more than one (1) year in advance of the principal building.

Structures attached to a principal building by any wall or roof construction, or located within ten (10) feet of any principal building, shall be considered a part of the principal building and shall observe all yard regulations applicable thereto.

b. Accessory Uses Permitted in Conjunction with Commercial and Industrial Uses

The following accessory uses shall be permitted in conjunction with commercial and industrial uses:

- (1) Fences or walls provided that:

fences or walls located in side or rear yards shall not exceed eight (8) feet in height;

fences or walls located in front yards shall not be permitted; and

the above standards shall not be deemed to prohibit any fences or walls which may be required for screening, security or safety purposes by other sections of this Ordinance.

- (2) Uses intended specifically for the use and benefit of the employees or patrons of the principal use such as snack bars, cafeterias, recreation facilities or similar uses.

- (3) Living quarters for a proprietor or manager and his/her family located in the same building as his/her place of occupation, or living quarters for a watchman or custodian of an industrial establishment.
- (4) Incidental repair, installation or assembly facilities for products or equipment used or sold in the operation of the principal use, unless specifically prohibited under the applicable district regulations.
- (5) Incidental storage facilities for goods and materials offered for retail sale on the premises.
- (6) Motor vehicle fuel dispensing pumps, pump islands, or service kiosks installed for and utilized exclusively by vehicles owned and/or operated by commercial or industrial establishments to which they are accessory.
- (7) Factory outlets and retailing provided the use is clearly incidental to the permitted use and products sold originated at the site.
- (8) Day care or nursery facilities.
- (9) Antenna structures for radio communication purposes or other information or data transfer purposes associated with a business, or industrial operation. Antenna structures in excess of 100 feet in height shall be permitted only by special use permit issued by the Land Use Administrator. Dish antennas shall be subject to the following provisions:

Dish antennas shall not exceed twelve (12) feet in diameter and fifteen (15) feet in height.

Dish antennas shall be permitted in rear yards and on roofs. No part of a dish antenna shall be closer than five (5) feet to any lot line. When located on a roof, such antenna shall be set back from all edges of the roof a distance of at least two (2) times its height.

All dish antennas and the construction and installation thereof shall conform with applicable requirements of the Uniform Statewide Building Code. No dish antenna may be installed on a portable or moveable device.

The above provisions shall not apply to any dish antenna used by a cable company possessing a valid franchise issued by the Richmond County Board of Supervisors.

Other uses and structures of a similar nature which are customarily associated with and incidental to commercial or industrial uses.

c. Location Requirements

Except where other provisions of this Ordinance require a greater setback, the following requirements shall apply to the location of all accessory uses or structure in residential, commercial and industrial areas.

- (1) With the exception of status, arbors, trellises, flagpoles, fences, walls or roadside stands, accessory buildings or structures shall not be located closer to the front lot line

than the principal building in residential, commercial and industrial areas.

- (2) There shall be no side and rear yard requirements for fences or walls; and
- (3) There shall be no rear yard requirement for docks, piers or boathouses, however, a setback of ten (10) feet from side lot lines, or extensions thereof into bodies of water, shall be observed.
- (4) Roadside stands shall be set back at least twenty (20) feet from any right-of-way.

3-16-4

HOME OCCUPATIONS

- a. A home occupation is an accessory use of any dwelling unit for gainful employment by the home occupant involving the manufacture, provision or sale of goods and/or services; and conducted in a dwelling unit or in an accessory building on the same lot as the dwelling unit by members of the family residing on the premises. All home occupations shall be subject to the following provisions, unless this Ordinance provides otherwise elsewhere:
 - (1) No person other than members of the family residing on the premises shall be engaged on the premises in such operation.
 - (2) The home occupation shall be clearly incidental and subordinate to the residential use of the property.
 - (3) There shall be no change in the outside appearance of the building or premises or other evidence of the conduct of such home occupation visible from the street or adjacent properties.
 - (4) There shall be no on-premises sales of goods or materials to the general public.
 - (5) Such home occupation shall not generate traffic, parking, sewerage or water use in excess of that which is normal in the residential neighborhood.
 - (6) No mechanical or electrical equipment or flammable or toxic substances shall be utilized other than that which would customarily be utilized in the home in association with a hobby or avocation not conducted for gain or profit.
 - (7) Any demand for parking generated by the conduct of a home occupation shall not adversely affect the quality of life of adjacent landowners.
 - (8) The occupation or activity shall not require extended alterations, or the outdoor storage or use of machinery or equipment that creates noise, odor, smoke, dust or glare or is dangerous or otherwise detrimental to persons residing in the home or on adjacent property.
- b. Home Occupations Permitted as a Matter of Right
Permitted home occupations shall include the following and similar activities and land uses:

- (1) Artists, sculptors, and photographers
- (2) Authors and composers
- (3) Dressmakers, seamstresses, tailors
- (4) Day care or babysitting for not more than four (4) children
- (5) Home crafts such as model making, rug weaving, cabinet making, furniture refinishing, or ceramics
- (6) Office facility of a clergyman
- (7) Office facility of a resident salesman, sales representative or manufacturer's representative
- (8) Office facility for resident accountants, architects, artists, brokers, computer programmers, consultants, counselors, dentists, physicians, engineers, lawyers, insurance agents, real estate agents or similar professionals
- (9) Tutoring, music or voice lessons or similar services for not more than four (4) persons at any single time
- (10) Food preparation for catering purposes
- (11) Telephone answering service
- (12) Other activities and uses which the Land Use Administrator determines can be operated in complete accordance with the intent and purpose of this Ordinance

c. Home Occupations Permitted by Special Use Permit

The Land Use Administrator may authorize, by special use permit, the following and materially similar types of home occupations subject to the specified conditions.

- (1) Home Occupations with Limited On-Premises Retail Sales or Personal Services

Uses which may be authorized under this section shall include barber and beauty shops, hobbyists, and other materially similar activities and land uses involving on-premises retail sales and personal services.

All public contact related to such use shall be limited to the period between 8:00 a.m. and 8:00 p.m., Monday through Saturday, unless otherwise specified by the Land Use Administrator.

Parking as required shall be provided in addition to those otherwise required for the residential use of the property.

The type and extent of items to be displayed, stored or sold, or personal services to be offered on the premises shall be specifically stipulated by the Land Use Administrator in authorizing any such use permit. In no case shall the area devoted to sales, storage, display or conduct of such home occupation exceed 25% of the floor area of the residence.

Such use shall comply with all applicable requirements for home occupations as established in Section 3-16-3.

- (2) Small Contracting Businesses Operated as Home Occupations Except in the following ROSCO Option Areas: Hamlet, Village, and Rural Development. For the purpose of this section, small contracting businesses shall be deemed to include businesses engaged in construction and/or repair of buildings; installation and servicing of heating, cooling and electrical equipment, flooring, painting, plumbing, roofing and tiling; landscaping; and other such uses deemed to be sufficiently similar in terms of type, scale and impact. This section shall not be construed to necessitate a use permit for offices of such businesses as authorized and conducted in accordance with the provisions established in Section 3-17-3a, nor shall this section be construed to provide opportunities for business operations which involve on-site manufacturing of products or materials utilized in the conduct of such business.

Not more than two (2) vehicles and/or pieces of equipment associated with the operation of a business shall be operated from the site or stored there overnight. Small transportable equipment including lawn mowers; chain saws; power hand tools; table, band or radial arm saws; and similar items shall not be included in such a determination.

The areas covered by all structures used primarily in connection with such uses shall not exceed a total of 1,500 square feet.

The area covered by any outdoor storage associated with such use shall not exceed a total of 1,000 square feet.

All parking, loading and storage associated with such use shall be effectively screened from view from adjacent properties by landscaping and appropriate wooden or masonry fencing materials.

The Land Use Administrator shall find and determine that the proposed small contracting business is not likely to generate traffic, including commercial delivery vehicles, in greater volume that would normally be expected in the zoning district.

The Land Use Administrator shall find and determine that the proposed small contracting business is not likely to create noise, dust, vibration, odor, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater or more frequent extent than would normally be expected in the zoning districts.

- (3) Docking Workboats and Off-Loading Seafood Except in ROSCO Option Area (Village, Hamlet, Rural Development)

The docking of workboats and the conduct of a waterman's operation shall be limited to occupants of the premises.

No admission, dockage, or wharfage fees shall be charged.

On-premises wholesale or retail sale of seafood shall be prohibited.

Outdoor storage of goods, equipment, or materials (other than the workboat itself) shall be limited to a total of 1,000

and adjacent properties by a landscaped buffer area supplemented, if determined necessary by the Land Use Administrator at the time of permit approval, by masonry and/or wooden fencing material. In the approval of a use permit, the Land Use Administrator may limit outdoor storage to less than 1,000 square feet or may require a setback greater than 20 feet if deemed necessary based on the characteristics of the subject site or its surroundings.

Repair of workboats shall be limited to routine maintenance, which may include:

- minor tune-ups;
- change of oil and filters;
- washdown and drainage of workboats;
- winterizing (draining lines, etc.);
- other customary routine repairs or maintenance.

All federal, state and local requirements for docking facilities shall be met and the necessary permits obtained prior to the issuance of a building permit for docks, piers, or boat houses.

The workboats and seafood unloading operations shall be conducted in such a manner as to prevent potentially offensive odors from being produced. In this regard, no overnight storage of seafood waste shall be permitted on the property.

Any outdoor/security lighting shall be shielded so as to prevent glare from being directed onto adjacent property.

The number of workboats docked at the property shall not exceed the capacity of the pier or boat house. The "rafting" of boats shall not be permitted.

No trucks larger than one (1) ton in gross weight shall be permitted to operate from the property.

Any demand for parking generated by the conduct of such use shall be accommodated off the street.

No bulk fuel storage in excess of twenty-five (25) gallons for dispensing into a workboat shall be permitted. The storage and utilization of toxic substances shall be limited to types and quantities that would customarily be utilized or stored for residential use. Any storage or utilization of combustible, toxic, or flammable substances shall be in accordance with the National Fire Prevention Code.

The Land Use Administrator shall, on a case-by-case basis, review and impose such other conditions as he deems necessary and appropriate to assure that the use will be compatible with, and will not adversely impact, adjoining properties and the environment of the area. Such conditions and restrictions may include:

- hours of operation;

- number of workboats permitted to use the private residential pier or dock;

- preparation of a water quality impact assessment;

- additional screening and/or landscaping requirements for outdoor storage areas and equipment.

number of workboats permitted to use the private residential pier or dock;

preparation of a water quality impact assessment;

additional screening and/or landscaping requirements for outdoor storage areas and equipment.

d. Prohibited Home Occupations

The following uses shall not be permitted as accessory home occupations:

- (1) Automobile repair, servicing, salvage and storage
- (2) Funeral chapel or funeral homes
- (3) Gift shops
- (4) Medical or dental clinic or hospital
- (5) Restaurant or other eating establishments
- (6) Commercial stable, commercial kennel
- (7) Veterinary clinic
- (8) Other activities and land uses which the Land Use Administrator determines to be materially similar to the activities listed above.

3-16-5

SPECIAL YARD REGULATIONS

- a. Except as specified in this section, and except for permitted accessory buildings, a required yard shall be open and free from any building.
- b. A bay window which is not more than ten (10) feet wide may extend no more than three (3) feet into a required front, side or rear yard.
- c. The ordinary projections of chimneys and flues may extend into a required yard.
- d. Mechanical or HVAC equipment may be located in a required side or rear yard, but on corner lots shall not project beyond the required side yard on the street side of the corner lot.
- e. The front, side and rear yard requirements of this chapter shall not apply to any necessary retaining wall or required screening fence.

3-17 SPECIAL USE PERMITS

3-17-1

PURPOSE AND INTENT

Special use permit uses are those which, if not specially regulated, can have an undue impact or be incompatible with other uses of land within or adjacent to a given zoning district. Upon the granting of a special use permit, these uses may be allowed to locate within designated districts under the standards, controls, limitations, performance criteria, restrictions and other regulations of this Ordinance. Special uses are listed within the zoning districts in which they have the potential to be permitted upon satisfaction of the review standards of Section 3-17-2.

- (1) Adopted Comprehensive Plan;
 - (2) Intent and purpose of the base and overlay(s) zoning district(s) in which the use is proposed to be located;
 - (3) Character of adjacent properties and the surrounding neighborhoods, and with existing and proposed development;
 - (4) Design standards of this Ordinance.
- b. The proposed use shall be adequately served by essential services such as streets, drainage facilities, fire protection, and approved water and sewerage disposal facilities.
 - c. The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance as determined by the Resources Inventory.
 - d. The proposed use shall be designed, sited, and landscaped so that the use will not hinder or discourage the appropriate development or use of adjacent properties and surrounding areas.

3-17-3

SPECIAL CONDITIONS

- a. In granting any special use permit, conditions necessary to assure that the proposed use will conform with the requirements of this section and will continue to do so may be imposed. A surety bond or other guarantee of performance acceptable to the County may be required in order to ensure compliance with the conditions imposed.
- b. Reasonable standards may be imposed as deemed necessary to protect the public interest and welfare. Such standards may include, but need not be limited to:
 - (1) More restrictive sign standards.
 - (2) Additional open space, landscaping or screening requirements.
 - (3) Additional yard requirements.
 - (4) Special lighting requirements.
 - (5) Limitation on hours of operation.
 - (6) Additional off-street parking and loading requirements.
- c. Time limits or expiration dates for a special use permit, including provisions for periodic review and renewal may also become a condition of the special use permit.

3-17-4

SPECIAL USE PERMIT APPLICATION REQUIREMENTS

- a. An application for a special use permit shall be made by the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property on which the proposed use is to be located. The application shall be submitted to the Land Use Administrator, and shall be accompanied by the filing fee. Application forms are available from the Land Use Administrator.

- a. An application for a special use permit shall be made by the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property on which the proposed use is to be located. The application shall be submitted to the Land Use Administrator, and shall be accompanied by the filing fee. Application forms are available from the Land Use Administrator.
- b. If the request for a special use permit has been denied by the County, substantially the same request shall not be reconsidered within three hundred sixty-five (365) days of the denial.
- c. The application shall include the following information:
 - (1) A plan of development in accordance with Article 2.
 - (2) A description of the proposed use and, where applicable, the hours of operation and the proposed number of employees.
 - (3) When deemed necessary, the Land Use Administrator or the plan-approving authority may require a community impact analyses.

3-17-5

SPECIAL USE PERMIT GENERAL PROVISIONS

- a. After approval of a special use permit by the County, the applicant shall have one year to begin the use approved, provided that the County may allow, at the time of approval, a longer period than one year. If the use has not begun within one year (or other time period as set by the County), the special use permit shall be void, and the use may not thereafter be begun except upon approval of another special use permit.
- b. After approval of a special use permit by the County, the use approved may intensify and/or expand, provided that any conditions attached to the approval shall not be violated. If intensification and/or expansion will violate any attached conditions, a new special use permit shall be obtained before such intensification and/or expansion may be approved.
- c. All uses permitted by a special use permit shall require plan of development approval in accordance with the provisions of Section 2-2. The plan-approving authority of the plan of development is empowered to decide on the special use permit.
- d. If an approved special use ceases operation for a period of twelve consecutive months, for any reason, the special use permit shall become void, and thereafter the use may only be conducted after another special use permit has been approved.

3-17-6

SPECIAL USE PERMIT STANDARDS - VILLAGE AREAS

An application for a special use permit within a village area as provided by Section 3-10-8 shall be approved upon a finding that the following standards have been met;

- (1) The specific site is an appropriate one for the proposed use;
- (2) The proposed use would not create any undue nuisance or hazard, either to the community or to pedestrian and vehicular flow;

REVOCATION OF SPECIAL USE PERMITS

The County may by resolution initiate a revocation of a special use permit. After review by the Land Use Administrator and consideration and recommendation by the Planning Commission, the governing body shall act on the proposal to revoke the special use permit. Grounds for revocation shall include (but not be limited to) the following:

- a. A change in conditions affecting the public health, safety and welfare since adoption of the special use permit; or
- b. Repeated violations of this Ordinance, including any conditions attached to the special use permit, by the owner/operator of the use; or
- c. Fraudulent, false or misleading information supplied by the applicant (or his agent) for the special use permit; or
- d. Improper public notice of the special use permit public hearing(s) when the permit was considered in accordance with DMP-b.
- e. An error or mistake in fact that led to an arbitrary and unreasonable decision made by the plan-approving authority when approving the special use permit.

3-18 DENSITY BONUS PROVISIONS - ROSCO AND AFFORDABLE

- a. In order to encourage site designs which are harmonious with adjoining property, to encourage the preservation of open space within and around higher density development, to encourage preservation and restoration of historic sites, and to provide land developers with the opportunity to positively influence community growth and quality of life, the plan-approving authority may award a density bonus not to exceed a total of thirty percent (30%) over and above the accrued density level obtained.
 1. Participation in agricultural and resource conservation efforts by acquiring and donating either in fee or by conservation easement, lands which are located off-site and deemed to be environmentally significant or of historic value.
 2. Construction of bike/hike paths within or outside the development.
 3. Development of an educationally-oriented facility such as a nature trail available to the public.
 4. Dedication of land accepted by the County for use as a school site, fire station site, park site, or other public facility site.
 5. Development of a recycling plan/program for any major plan of development.
 6. Construction of public access facilities to waterways for fishing, nature observation, and/or boat launching purposes.
 7. Preparation of a development design of superior quality resulting from the highest possible level of resource identification and protection, the most sensitive placement of structures, the highest quality landscape and architectural design, and a most desirable living environment for future residents.

7. Preparation of a development design of superior quality resulting from the highest possible level of resource identification and protection, the most sensitive placement of structures, the highest quality landscape and architectural design, and a most desirable living environment for future residents.
- b. For all improvements upon which a density bonus has been based, the County, when it deems it to be necessary and appropriate, may require the submission of a performance guarantee as provided for in Section 2-6.

3-19 NON-CONFORMING LOTS, NON-CONFORMING USES OF LAND, NON-CONFORMING STRUCTURES, NON-CONFORMING USES OF STRUCTURES AND PREMISES, AND NON-CONFORMING CHARACTERISTICS OF USE

3-19-1 INTENT AND FILING REQUIREMENT

- a. Within the districts established by this Ordinance or amendments that may later be adopted there exist lots, structures, and uses of land and/or structures which were lawful before this Ordinance was passed or do not conform to the regulations and restrictions of this Ordinance or future amendments thereto. It is the intent of this Ordinance to abide by the letter and spirit of the provisions of Title 15.1, Chapter 11, Article 8, 15.1-492 of the Code of Virginia.
- b. A certificate of occupancy shall be required of all nonconforming uses. Application for such certificate shall be filed with the Land Use Administrator within twelve (12) months from the effective date of this Ordinance.

3-19-2 NON-CONFORMING LOTS OF RECORD

In any district, permitted structures may be erected or enlarged on any single lot of record, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot, shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Zoning Appeals in accordance with DMP-d. Such lot of record must be in separate ownership and not of continuous frontage with other lots in the same ownership.

3-19-3 PROHIBITION AGAINST CREATION OF LOTS BELOW WIDTH AND AREA REQUIREMENTS FOR DISTRICT

No lot or parcel or portion thereof shall be used or sold in a manner diminishing compliance with lot width and area requirements established by this Ordinance, nor shall any division be made which creates a lot below the minimum requirements stated in this Ordinance.

3-19-4 HIGHWAY REALIGNMENT OR CONDEMNATION

Any lot, which by reason of realignment of a State highway or by reason of condemnation proceedings, has been reduced in size to an area less than that required by law, shall be considered a non-conforming lot of record subject to the provisions set forth in Section 3-19-2; and any

NON-CONFORMING USES OF LAND AND/OR STRUCTURES

Where at the time of passage of this Ordinance or any amendments thereto, the lawful use of land and/or structures exists which would not be permitted thereafter by this Ordinance, the use may be continued so long as it remains otherwise lawful, provided:

- a. No non-conforming use and/or structure shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- b. No non-conforming use and/or structure shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by the use and/or structure at the effective date of adoption or amendment of this Ordinance, unless the move results in decreasing the degree of non-conformity or results in conformity with the requirements for the district.
- c. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with a non-conforming use of land. No additional uses of a nature which would be prohibited generally in the district involved shall be permitted.
- d. Any non-conforming use may be extended throughout any parts of a building which were arranged or designed for the use at the time of adoption or amendment of this Ordinance, but the use shall not be extended to occupy any land outside such building.
- e. When any non-conforming use, or structure and use in combination, is replaced by a permitted use and/or structure, the use shall conform to the regulations for the district, and no non-conforming use and/or structure shall be permitted to resume.
- f. Where non-conforming status applies to a use and/or structure, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this section is defined as damage to an extent of more than 50 per cent of the replacement cost immediately prior to the time of destruction. No non-conforming use shall be established after destruction; as defined, has occurred.
- g. If any non-conforming use and/or structure of land ceases for any reason for a period of more than two years, any subsequent use of such land and/or structure shall conform to the regulations specified by this Ordinance for the district in which the site is located.
- h. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
- i. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently. Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun prior

prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently. Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun prior to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

3-19-6

USES UNDER SPECIAL USE PERMIT PROVISIONS ARE NOT NON-CONFORMING USES

Any use which is permissible as a special use permit in a district under the terms of this Ordinance shall not be deemed a non-conforming use, but shall without further action be considered a conforming use.

3-19-7

DEVELOPMENT WAIVER IN THE RESOURCE PROTECTION AREA (RPA)

No change or expansion of a nonconforming use shall be allowed with the exception that:

- a. The Land Use Administrator may grant a nonconforming use and development waiver for structures on legal nonconforming lots or parcels to provide for remodeling and alterations or additions to such nonconforming structures provided that:
 - (1) There will be no increase in nonpoint source pollution load;
 - (2) Any development or land disturbance exceeding an area of 2500 square feet complies with the erosion and sediment control requirements of Section 4-8.
- b. An application for a nonconforming use and development waiver shall be made to and upon forms furnished by the Land Use Administrator and shall include for the purpose of proper enforcement of this Ordinance, the following information:
 - (1) Name and address of applicant and property owner;
 - (2) Legal description of the property (Tax Map and Parcel Number) and type of proposed use and development;
 - (3) A sketch of the dimensions of the lot or parcel, location of buildings and proposed additions relative to the lot lines, and boundary of the Resource Protection Area;
 - (4) Location and description of any existing private water supply or sewage system.
- c. A nonconforming use and development waiver shall become null and void twelve months from the date issued if no substantial work has commenced.

ARTICLE 4
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4-1 GENERAL LAYOUT AND DESIGN

4-1-1 PURPOSE AND INTENT

It is the purpose and intent of Article 4 to ensure that new development is designed in accordance with the purpose, intent and direction of the Comprehensive Plan and County ordinances, is in concert with existing, desirable development patterns and designs within the County, is responsive to the existence of significant and sensitive natural and cultural resources, is proposed so as to enable the County to provide adequate levels of public service, and is designed to provide for the health, safety, and welfare of individuals residing, working, shopping, traveling and recreating within the County.

4-1-2 PLAN OF DEVELOPMENT SUBMITTAL REQUIREMENTS

The requirements of Article 4 shall be complied within both the plan of development design and its

implementation. Waivers from the standards of Article 4 may be granted by the plan-approving authority upon submission of a waiver request.

4-1-3 GENERAL REQUIREMENTS

The following requirements, are intended to establish the general direction and tone of land development as envisioned by this Ordinance.

a. Suitability of Land for Development

(1) Any land described as unsuitable for building sites shall be clearly indicated on the plan of development and shall not be used to satisfy the minimum lot size requirements as prescribed by Article 3 of this Ordinance or by the County Health Official for necessary septic and well installations.

(2) Land is topographically unsuitable if it possesses steep slopes which will require extensive grading or unusual construction practices in order for development to take

place or which would provide less than 10,000 useable square feet of contiguous building area with slopes of less than 15 percent.

- (3) Land is unsuitable if it consists of soils which by health department regulations or the provisions of this Ordinance are unsuitable for septic system drainfields and where no other means of sewage treatment is provided.
- (4) Land is unsuitable for development if it is characterized by potentially injurious conditions resulting from special soil and water conditions such as shrinking and swelling clays and/or marine clays, unless such conditions can be rendered harmless by standard development and construction practices.
- (5) Land is unsuitable for development if it contains areas as identified by the Resource Inventory which warrant protection or mitigation such as, but not limited to, the habitat of rare and endangered species,

wetlands, and sites of historic, scenic or archaeological importance.

- (6) Wetlands as defined in the Virginia Wetlands Zoning Act or any land subject to periodic flooding shall not be developed in such a way as to provide sites for residential occupancy nor for any other use which might involve danger to health, life, or property, or aggravate the flood hazard. Any such land within the proposed development shall be restricted against buildings or otherwise reserved for uses which will not be endangered by periodic or occasional inundation. To insure sufficient buildable land which is flood free, the plan-approving authority may require the developer to provide elevation and flood profiles sufficient to demonstrate the land to be free of the danger of flood waters.

- (7) Lots shall not be created which do not have access provided over suitable terrain as to provide reasonable means of ingress and egress.

b. Building Design

- (1) Architectural style is not restricted, however, extremes of style not indigenous to the County are not encouraged if visible from public rights of way. Evaluation of appearance of a project shall be based on quality of its design and relationship to its surroundings.
- (2) Buildings shall be in scale and be harmonious with permanent neighboring buildings and areas.
- (3) Materials shall be in harmony with adjoining structures.
- (4) A minimum of different types of exterior wall materials should be used. Materials shall be selected for suitability to the type of building and design in which they are used.
- (5) Materials shall be of durable quality.

- (6) There should be definite transitions between changes of material and in plane while maintaining an overall simple geometry for the building mass.
- (7) Exterior building components such as windows, doors, eaves, and parapets shall have balanced proportions.
- (8) All sides of a structure should receive design consideration. A facade unrelated to the rest of the building is not in keeping with acceptable design.
- (9) Colors shall be harmonious, and accents, if used, shall be compatible.
- (10) All projections and mechanical details such as louvers, exposed flashing, flues, vents, gutters and downspouts are to be recognized as architectural features and are to be treated to match the color of the adjacent surface or be an approved complementary color.

- (11) Mechanical equipment or other utility hardware on the roof, ground, or elevations shall, wherever possible, be located so as not to be visible from any public ways or adjacent residential areas. Where such limitation on location is not possible, the facilities shall be screened from public view with materials harmonious with the building.
- (12) Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from the view of public rights of way with materials harmonious with the building.
- (13) Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form and siting shall be used to provide visual interest. In multiple building projects, variable siting of individual buildings may be used to prevent a monotonous appearance.

c. Relationship of Buildings to Site

- (1) Projects shall reflect the character of the site upon which they are located. Compatibility to grade conditions, degree of exposure from passers-by, the context of adjacent structures, exceptional views, tree masses, and size of the lot are some of the factors to be considered.
- (2) The site shall be planned to accomplish a desirable transition with the streetscape, and to provide for adequate planting, safe pedestrian movement, and parking areas. All plans shall demonstrate a concern for the conservation of energy by their sensitivity to factors such as the orientation of a building, the use and location of glass, and the use of landscape materials on the site.
- (3) Miscellaneous structures and street hardware shall be designed to be part of the architectural and landscape design concept. The materials shall be compatible, the scale

shall be appropriate, and the colors shall be in harmony with buildings and surroundings.

- (4) Parking areas shall be treated with decorative elements, building wall extensions, plantings, berms or other means so as to minimize the impact of parked vehicles on the view from public rights of way and adjacent residential areas.
- (5) Fencing when proposed, should be included in a plan of development and should be consistent with the general plan for the site.
- (6) The design of fences and screening walls shall give specific consideration to the relief of monotony, such as breaking up major fence lengths by complementary landscaping.
- (7) Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.

- (8) Grades of walks, parking spaces, terraces, and other paved areas shall provide an inviting and stable appearance for walking and, if seating is provided, for sitting.

d. Relationship of Project to Adjoining Areas

- (1) Designers shall demonstrate a harmony in texture, lines, and masses between all adjacent buildings. Monotony shall be avoided.
- (2) The height and scale of each building shall be compatible with its site and existing and anticipated adjoining buildings.
- (3) Adjacent buildings of different architectural styles shall be made compatible by such means as screens, sight breaks and materials.
- (4) Attractive landscape transition to adjoining properties or compatible use characteristics shall be provided.

(5) Project features which may have negative impacts upon adjacent properties, such as parking lots, service entrances, loading zones, mechanical equipment, etc., shall be buffered from adjacent properties.

(6) Development or project names shall not duplicate or nearly duplicate the name or sound of any existing or approved development or subdivision within the County and also within surrounding jurisdictions in which automatic emergency response areas exist. All proposed names shall be subject to approval by the plan-approving authority.

e. Landscape and Site Treatment

(1) Natural or existing topographic patterns shall be preserved and enhanced when it contributes to the beauty and utility of a development. Modification to topography will be permitted where it contributes to good appearance and utility.

- (2) Each landscape plan shall address the functional aspects of landscaping such as drainage, erosion prevention, wind barriers, provisions for shade, energy conservation, sound absorption, dust abatement and reduction of glare.
- (3) Landscape treatment shall be provided to enhance architectural features, strengthen vistas, provide shade and nuisance buffers.
- (4) Unity of design shall be achieved by repetition of certain plant varieties and other materials, and by correlation with adjacent developments.
- (5) Plant material shall be selected for interest in its structure, texture, and color and for its ultimate growth. Plants that are indigenous to the area and others that will be hardy, harmonious to the design, and of attractive appearance shall be used.

- (6) Parking areas and related trafficways shall be enhanced with landscaped areas, including trees or tree groupings.
- (7) In locations where plants will be susceptible to injury by pedestrian or motor traffic, they shall be protected by appropriate curbs, tree guards, or other devices.
- (8) Where landscaping is used as screening, it shall be equally effective in winter and summer.
- (9) In areas where general planting will not prosper, other materials shall be used, such as indigenous species and fences.
- (10) Landscape screening shall be of a height and density so that it provides the full desired effect within three years growing time.

f. Signs

- (1) Every sign shall have appropriate scale in its design and in its visual relationship to buildings and surroundings.
- (2) Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.
- (3) The colors, materials and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates.
- (4) The number of colors and graphic elements on a sign shall be held to the minimum needed to convey the sign's major message, and shall be composed in proportion to the area of the sign face. The listing of individual services rendered or items offered for sale, and the use of telephone numbers, street addresses, arrows, and multiple logos on a sign are generally unacceptable.

(5) Identification signs of a prototype design and logos shall conform to the criteria for all other signs.

(6) Each sign shall be compatible with signs on adjoining premises, and shall not compete for attention.

g. Lighting

(1) All exterior lighting should balance the need for energy conservation with needs for safety, security and decoration.

(2) Where decorative exterior floodlighting is used, it shall consist of an appropriate composition of brightness relationships, textures, and restrained colors to dramatize a setting and extend the hours of the setting's usefulness. Floodlighting fixtures shall be located or shielded so that their presence is minimized.

(3) All exterior lighting shall be part of the architectural/security and landscape design

concept. Light fixtures, standards and all exposed accessories shall be concealed or be harmonious with other project design materials.

(4) Exterior lighting shall not be designed to permit an adverse effect upon neighboring properties.

(5) All free standing parking lot and internal access route lighting shall be color corrected, high pressure sodium vapor luminaries.

h. Maintenance Considerations

Continued quality of appearance depends upon the extent and quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures, must be conducive to easy maintenance and upkeep.

- (1) Buildings and appurtenances, including signs, shall be cleaned and painted or repaired as required to present a neat appearance.
- (2) Deteriorated, worn, or damaged features shall be rebuilt or replaced. Illuminated elements of buildings and signs shall be replaced as required to maintain the effect for which designed.
- (3) Landscape materials, other than plantings, which have deteriorated or have been damaged or defaced, shall be properly repaired or replaced.
- (4) Plantings should be kept watered, fed, cultivated, and pruned as required to give a healthy and well groomed appearance during all seasons. Plant materials which have deteriorated or died shall be replaced with healthy plantings.

- (5) Parking areas should be kept in good repair, properly marked, and clear of litter and debris.
- (6) Vacant property shall be kept free of refuse and debris, and shall have the vegetation cut periodically during the growing season if located in developing areas. No landscape design, plant materials, or other exterior design feature of the site approved by the County shall be significantly modified as a result of maintenance procedures, unless approved by the Land Use Administrator.
- (7) Materials and finishes shall be selected for their durability and wear as well as for their beauty. Proper measures and devices shall be incorporated for protection against the elements, neglect, damage and abuse.
- (8) Provisions for washing and cleaning of buildings and structures, and control of dirt and refuse, shall be included in the design.

i. Preservation of Natural Features

- (1) Natural features such as trees, hilltops and views, natural terrain, open waters and natural drainage lines shall be preserved whenever possible in designing any development.
- (2) Topsoil shall not be removed from areas intended for lawn or open space. Topsoil removed during the course of construction shall be redistributed on to these areas and shall be stabilized by approved seeding and/or planting.
- (3) A conscious effort shall be made to preserve all worthwhile trees and shrubs which exist on the site. Stripping trees from a lot or filling around trees on a lot shall not be permitted unless it can be shown that grading or construction requirements necessitate removal of trees, in which case these lots shall be replanted with trees to reestablish the tone of the area.

- (4) The removal of trees or the clearing and grading of land by the developer shall be generally permitted only to accommodate the construction and installation of those improvements.
- (5) Any proposed grade changes shall be compatible with the grade established by the surrounding area.
- (6) The developer shall preserve significant and sensitive natural and cultural resources including unique or irreplaceable land types such as prime agricultural lands.
- (7) The indiscriminate and excessive cutting of trees, which may potentially result in increased surface drainage or run-off and soil erosion shall be avoided.

4-2 LAND DIVISION DESIGN STANDARDS

4-2-1 PURPOSE AND INTENT

The purpose of managing lotting layout is to promote efficiency and economy in the process of land division, the proper arrangement of lots in relationship to each other and to existing and planned streets and other features of the Comprehensive Plan, the protection of water quality, wetlands, wildlife habitats, historic, scenic and archaeological sites, steep slopes, shorelines, and other significant and sensitive resources, protection against flooding, erosion and sedimentation, the provision of adequate open spaces for recreation, light, and air, the convenient distribution of population and traffic, and the adequacy of streets, public utilities and other public facilities. Toward this end, this Section:

- establishes design and improvement standards for the division of land in Richmond County;

- ensures that purchasers of lots, tracts and parcels purchase a commodity that is accessible and generally suitable for the intended use;
- insures orderly and safe spacing, size, shape, design, and distribution of lots for residential, commercial, industrial and other uses.

4-2-2 PLAN OF DEVELOPMENT SUBMITTAL REQUIREMENTS

Plans prepared for subdivision approval shall comply with the submittal requirements of Exhibit 4 in Section 2-2-6 and the development design shall comply with the design provisions of this Ordinance.

4-2-3 GENERAL REQUIREMENTS

a. Preservation of Resources

Layout of the development shall be based upon a Resource Inventory as described in Section 2-2-4. Streets and lots shall be designed and situated to preserve the favorable characteristics of the site and to minimize alteration of the natural and

culturally significant site features to be preserved. Unique and fragile elements, including but not limited to, prime agricultural lands, scenic viewsheds and corridors, significant habitat areas, floodplains, wetlands and steep slopes shall be preserved where practical, with development targeted for environmentally stable areas.

b. Provision of Open Space

The subdivision layout shall be designed in accordance with the principles and standards contained in this Ordinance with the objective of achieving the most advantageous development of the subdivision and adjoining areas. The utilization of purposeful open space-providing layouts and design techniques is required.

c. Compliance with Zoning Provisions of Article 3

The subdivision layout shall be in full compliance with all applicable zoning provisions of Article 3, including any limitations on area, dimensions, number or location of lots.

d. Compliance with the Comprehensive Plan

The subdivision layout shall conform in all essential respects with the Comprehensive Plan.

4-2-4 LAYOUT OF STREETS AS IT RELATE TO LOT AND BLOCK CONFIGURATION

a. Compliance with Section 4-3 and Other Provisions of this Ordinance

The location, alignment, grade, width and drainage of all streets and roads shall comply with the design standards and specifications for roads, streets, drainage, water and sewer construction and improvements as specified in this Ordinance and applicable specifications of the Virginia Department of Transportation.

b. Street Layout Shall Promote the Economic Use of the Site

The street layout shall be designed to create desirable building lots and building sites while respecting existing topography and shorelines, avoiding impact on wetlands, minimizing street grades, avoiding excessive cuts and fills, and

preserving trees, all to the maximum extent feasible for a reasonable economic use of the land.

c. Access

Every lot shall be served from a street constructed to standards of the Virginia Department of Transportation or as prescribed in Section 4-3 of this Ordinance.

d. Facilitation of Proper Block Configurations

Streets shall be spaced to allow for blocks meeting the dimensional requirements contained herein and to minimize the number of intersections with existing or proposed arterial thoroughfares.

e. Separation of Lots from Collector and Arterial Roads

Where the division of land adjoins a collector or arterial road as specified in Section 4-3, the plan-approving authority may require that measures to be taken to reduce the impact of heavy traffic on the proposed lots abutting or fronting upon such thoroughfare, to minimize the number of points of vehicular conflict, and to afford

separation of through and local traffic, by means of one of the following methods:

- (1) By providing vehicular access to such lots by means of a marginal access street or service drive separated from the highway by a planting strip at least 30 feet in width and connecting therewith at infrequent intervals.
- (2) By designing reverse frontage lots having access only from a parallel access or subcollector street with vehicular access to such lots from the major thoroughfare prohibited by deed restrictions or other means.
- (3) The combination of driveways into shared driveways between lots. The choice of the most appropriate method of accomplishing the desired purpose in a specific instance shall be made by the plan-approving authority giving consideration to topography and other physical conditions, the character of existing and contemplated development in the

development and its surroundings, and other pertinent factors.

f. Dual Frontage by Means of Rear Alleys

Alleys may be provided in residential, commercial and industrial areas to provide rear access to lots where required by design, utility or service needs. In the absence of alleys, easements may be provided for utility lines and/or drainage facilities along rear lot lines if it affords a most appropriate and efficient and resource protection design.

g. Resubdivision of Lots on Private Streets

The resubdivision of lots which were created for residential purposes but are located on private streets shall not be permitted if the resultant effect is the addition of buildable lots.

4-2-5 BLOCKS

a. Size

Residential blocks shall normally not exceed 1,200 feet in length, or be less than 400 feet in

length, between street lines. In any residential block more than 800 feet in length, a crosswalkway of not less than 10 feet in width may be required where necessary to provide convenient access to schools, recreation areas, and other community facilities within the open space network envisioned by the requirements of Section 4-4 of this Ordinance.

b. Shape

Irregularity-shaped blocks indented by cul-de-sacs or looped streets, and containing interior parks or playgrounds, are anticipated acceptable given the need to protect resources, provide common open space and afford as many lots with adjacency to open space.

c. Non-Residential Blocks

Blocks for business or industrial use shall be of such length and width as may be necessary to serve their prospective use, including adequate provision for off-street parking and for the loading and unloading of delivery vehicles.

4-2-6 LOTS

a. General Design

The lot arrangement, design, and orientation, shall be such that all lots will provide satisfactory building sites, properly related to topography and the character of surrounding development and result in quality neighborhoods and working environments.

b. Dimension and Size

The dimensions and areas of all lots shall comply with the requirements of the zoning district in which they are located. In any case where public water supply and/or public sewerage are not available or are not to be provided, all residential lots shall comply with the minimum lot dimensions and areas established by the Health Officer after appropriate tests have been performed, which dimensions may be greater than required under the zoning regulations.

c. Depth to Width Ratio

Excessive lot depth in relation to lot width shall be avoided. Except for unusual topographic

conditions, a ratio of depth to width of two to one shall be considered a desirable maximum.

d. Access

Every lot shall abut upon, and have access to, a street or road as herein defined.

e. Flag Lots

(1) Flags shall not be created solely to increase lot yield, but to respond to topographic conditions and to protect resources on the site.

(2) The number of adjacent and parallel narrow lot sections or accessways shall be limited, generally to no more than two, so as not to create an unreasonable potential for confusion.

(3) Provision of a single common use driveway shall be encouraged. The length of such accessways shall be related to proposed lot size but generally shall be limited to no more than 1,200 feet. Width of accessways

shall not at any point be less than 25 feet and shall be located and aligned for reasonable access by motor vehicles, including emergency services vehicles. Where the lot served is sufficiently large to permit further subdivision, the minimum width of the accessway shall be 50 feet so that a street may be constructed when further subdivision takes place.

f. Double Frontage and Reverse Frontage Lots

Double frontage and reverse frontage lots shall be avoided, except where their use is essential to overcoming special topographic problems or to separate development from collector and arterial roads as specified in Section 4-2-4e. These lots may require greater lot depths than normally required or permitted by this Ordinance.

g. Corner Lots

Corner lots shall provide sufficient width for minimum required setbacks from both streets. The plan-approving authority may determine which side is to be considered the front yard.

h. Side Lot Lines

Generally, side lot lines shall be approximately at right angles or radial to the street line, except where a variation to this requirement will provide an improved street or lot layout or is responsive to the topographic or resource features of the site.

i. Remnants

Remnants or parcels of land below minimum area, including parcels which fail health department tests, which may be left over after subdivision of a tract shall be added to adjacent lots, or otherwise disposed of rather than allowed to remain as unusable parcels.

j. Adjacent Lands in Separate Ownership Being Subdivided

Where the land covered by a subdivision includes two or more parcels in separate ownership, and where the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to single ownership simultaneously with the recording of the final plat. Said deed shall be

deposited with the clerk of the court and held with the final plat until the subdivider is ready to record same, and both shall then be recorded together.

4-2-7 MONUMENTS

a. Concrete or Stone

Permanent reference monuments, of stone or reinforced concrete and at least 24 inches in length and 3.5 inches by 3.5 inches square with suitable center point, shall be set flush with the finished grade. Such monuments shall be located at all street corners, at all points where street lines intersect exterior boundaries and at single points and points of curvature and tangency in each street.

b. Metal

Monuments of metal pipe at least 3/4 inches in outside diameter or solid metal rod one-half inch or more in diameter and at least 18 inches in length, shall be set in place flush with the finished grade at all intersections of alleys with

streets, at all point on alleys, and boundary lines where there is a change in direction or curvature, and at all lot corners.

c. Rough Staking for Utility Installation

Prior to setting monuments, rough staking is permitted for purposes of installing utilities.

d. Inspection

Upon completion of subdivision streets, sewers and other improvements, the developer shall make certain that all monuments required by this Ordinance are clearly visible for inspection and use. Such monuments shall be inspected and approved by the Land Use Administrator before any improvements are accepted by the County.

e. Replacement

Any person, developer, builder, firm or corporation shall take the necessary precautions to protect all monuments and metal markers during construction. Any monument which is moved or destroyed shall be immediately reported to the Land Use Administrator and shall be replaced by the developer.

4-2-8 CEMETERY

A cemetery shall be considered a division of land for the purposes of this Ordinance and shall be subject to the same general standards and review procedures as any other division but need not comply with the specific design standards for streets, blocks and lots as required for other divisions of land. Any cemetery hereafter established, whether intended for public or private use, shall make provision for public access by a right-of-way at least 50 feet in width.

4-3 VEHICULAR RIGHTS-OF-WAY

4-3-1 PURPOSE AND INTENT

It is the purpose and intent of these regulations to facilitate the development of circulation systems which permit the safe, efficient, and orderly movement of vehicular traffic.

4-3-2 PLAN OF DEVELOPMENT SUBMITTAL REQUIREMENTS

All plans of development proposing the construction of new roads or private roads and driveways which intersect roads within the system of roads maintained by the Virginia Department of Transportation must submit sufficient data and plans to comply with the submission requirements of the Resident Engineer as well as to demonstrate compliance with the requirements of this Ordinance.

4-3-3 GENERAL REQUIREMENTS

a. Comprehensive Plan Requirements

Transportation systems shall be designed in accordance with future densities and intensities as envisioned by the Comprehensive Plan.

b. Designed for Present and Future Needs

Road systems shall be designed to meet but not exceed the needs of present and future populations served, to have a simple and logical pattern which respects resources and the natural terrain, and presents an attractive streetscape.

c. Hierarchical Road System

Roads shall be laid out in accordance with a hierarchical design whereby roads are defined by function and traffic levels.

4-3-4 STREET AND ROAD CLASSIFICATIONS

All new streets and roads shall be classified according to their function and the projected Average Daily Traffic (ADT). Average Daily Traffic shall include all

traffic projected to result from the complete development of land served by the subject street, including both internal and external trips. The trip generation rates contained in the most recent edition of the Trip Generation Manual published by the Institute of Transportation Engineers, shall be used to determine the projected ADT. The classification based on ADT shall take precedence over the functional description for purposes of determining street geometrics.

a. Traffic Volume Classification and Description

New streets shall be classified according to the total traffic projected for the street at full development, including full development of adjoining properties which reasonably may be expected to produce or attract traffic which will utilize the street. This is depicted on Exhibit

EXHIBIT _____
TRAFFIC VOLUME-BASED STREET CLASSIFICATIONS

<u>Street Classification</u>	<u>Minimum ADT</u>	<u>Maximum ADT</u>
Access	-	250
Subcollector	251	400
Minor Collector	401	1,000
Major Collector	1,001	4,000
Minor Arterial	4,001	8,000
Major Arterial		over 8,000

b. Design Categories

- (1) Access Street: Carries only the volume of traffic generated on the street itself.
- (2) Subcollector Street: May carry the volume of at least one access street in addition to its own volume.
- (3) Collector Street: Unsuitable for providing direct residential lot access, however, occasionally no suitable alternative exists.
- (4) Arterial Street: Direct residential lot access is prohibited and commercial or industrial lot access is controlled and limited to high trip volume generators.

c. Existing Streets

Where existing streets which are not otherwise classified by the Comprehensive Plan about or affect the design of a proposed development, such existing streets shall be classified in accordance with the functional and traffic volume descriptions contained in this Section.

4-3-5 ALIGNMENT AND LAYOUT

a. Coordination of Proposed Road with Existing Roads

In accordance with Section 15.1-466(c) of the Code of Virginia, all proposed streets shall be designed to coordinate with other existing or planned streets contiguous to or within the general area of the proposed development or within existing or future adjacent developments as to location, width, grades, and drainage. Connections, when required, with existing or platted streets, shall be continuous without offset.

b. Stub Streets

The plan-approving authority shall require that adequate rights-of-way are platted to the boundary line(s) of any development in order to afford desirable street access to adjoining properties and facilitate the development of effective and efficient circulation system.

c. Conditions Whereby Stub Streets are Permanently Terminated

Where a street right-of-way in an existing development has been platted to the boundary line of a proposed development, it shall be extended and continued into said proposed development unless excepted by the plan-approving authority upon the recommendation of the Department of Transportation and upon the plan-approving authority making one of the following findings:

- (1) Such an extension would cause or contribute to a demonstrable safety deficiency which could not be corrected in a practical or economically efficient manner. In such cases, the developer shall be responsible for providing sufficient right-of-way and

constructing within said right-of-way a permanent circular or "T" turn-around shall be provided per Department of Transportation standards.

- (2) The street right-of-way in the existing development, although platted, has not had a street constructed within it, is not contained in the Comprehensive Plan, and it is unlikely that, in the foreseeable future, such a street will be constructed. In such case, the developer shall not be responsible for providing a turn-around.

d. Jogged Streets

Street intersections shall be at least 150 feet apart when measured from centerline to centerline. Nonalignment of cross-street intersections shall be prohibited, including street jogs with centerline offsets of less than 150 feet.

e. Intersection Geometrics

Streets shall intersect at a ninety degree (90°) angle plus or minus five degrees (5°) for a minimum of fifty feet (50') from the intersection.

No intersection shall have more than four (4) street approaches.

f. Residential Development Access

All developments of one hundred (100) or more dwelling units shall have two (2) means of ingress and egress. A boulevard type of street design providing a minimum ten-foot (10') wide median between lanes or other design generally achieving the same purpose may be accepted by the plan-approving authority as satisfying this requirement when the provision of two (2) separate means of ingress and egress is determined to be difficult or undesirable. Alternative access by means of bike/hike paths are encouraged.

4-3-6 RIGHTS-OF-WAY

a. Dedication

Where a development abuts an existing public right-of-way which has a width deficiency created either because it is less than fifty feet (50') in width or because adopted plans show that a greater width will be necessary to accommodate those

plans, the developer shall be required to dedicate additional rights-of-way as follows:

- (1) Where the development abuts one side of the right-of-way, the developer shall dedicate one-half of the right-of-way deficiency along the frontage of the development.
- (2) Where the development abuts both sides of the right-of-way, the developer shall dedicate all of the right-of-way deficiency along the frontages of the development.

b. Construction in Accordance with Community Plans

Where the development embraces any part of an arterial or collector street or thoroughfare shown on an approved Comprehensive Plan, Official Map or Transportation Plan, such street or thoroughfare shall be platted for dedication in the location and width indicated on such plan or map and, except in the case of a limited or controlled access facility, shall be constructed and integrated as a part of the development.

c. Minimum Right of Way Widths

The minimum right-of-way width shall be in accordance with the provisions contained in Section 4-3-7 of this Chapter based on the function and classification of the street. In no case, however, shall the right-of-way width be less than fifty feet (50').

4-3-7 GEOMETRIC STANDARDS

a. Continuity of Design

All streets shall have a continuity of design throughout their entire length. Multiple or step-down designs shall not be permitted except that a transition may be permitted at a four-way intersection or other major traffic generator which would constitute a clear demarcation of said change.

b. Pavement Width

Pavement width for streets without curb and gutter are as shown on Exhibit ____.

EXHIBIT _____
GEOMETRIC STANDARDS FOR LOCAL ROADS

<u>Classification</u>	<u>Minimum Design Speed</u>	<u>Minimum R-O-W Width</u>	<u>Residential Lot Access Permitted</u>	<u>Minimum Pavement Width</u> (no curb & gutter)
Access	30	50'	Yes	22'
Subcollector	30	50'	Yes	24'
Minor Collector	40	50'	3	24'
Major Collector	50	60'	No	26'
Minor Arterial	60	60'	No	28'
Major Arterial	60	*	No	*

**GEOMETRIC STANDARDS FOR TERTIARY
SUBDIVISION STREETS**

Access	30	40'	Yes	18'
Subcollector	30	50'	Yes	20'
Minor Collector	30	50'	1	22'

¹Generally not permitted, but Agent may allow on a case-by-case basis in accordance with section 4-3-4.

*Variable

CONSTRUCTION STANDARDS

a. Compliance with Department of Transportation Standards

Unless otherwise specifically provided in this Ordinance, all streets shall be in conformance with Department of Transportation requirements.

b. Cross-Sections

Street cross-sections shall be based on the load bearing capacities of soils located within proposed street rights-of-way as detailed in a subsurface soils report, certified by a geotechnical engineer. The plan-approving authority may, however, upon the recommendation of the Department of Transportation, waive or modify this requirement when there is sufficient cause to believe that such a report is unnecessary.

c. Plans Require Department of Transportation Approval

Street construction plans shall be submitted to and approved by both the Department of Transportation and the County as a part of the review process required by this Ordinance.

d. Construction Guarantees

Street construction guarantees shall not be fully released until said street(s) have been accepted into the State Secondary System.

4-3-9 CURB AND GUTTER STREETS

Curb and gutter streets shall be when required by the Virginia Department of Transportation.

4-3-10 CUL-DE-SAC STREETS

a. Length of Cul-de-Sac

Cul-de-sac streets shall not exceed 1,500 feet in length, or serve more than 35 dwellings. The length shall be measured from the end of the cul-de-sac to the closest intersection which provides a means of egress from the development, either directly or indirectly. Where the plan-approving authority determines that the topography, property configuration or other physical constraints are such that a cul-de-sac of greater length is required or desirable for the effective and

efficient development of the property, the plan-approving authority may authorize cul-de-sacs which exceed 1,500 feet in length provided that a landscaped median is provided which divides the cul-de-sac street into two distinct and separate lanes. Median breaks shall be provided at street intersections and at other locations along the street such that there is a median break at least at 300-foot intervals. Median islands can only be installed, however, if a property owners' association with the capacity to maintain the landscaped median is to be created and notations to this effect shall be clearly indicated on the approved plan and documents recorded in the Courthouse.

b. Dead End Street Signs

A sign shall be posted at the entrance to any cul-de-sac indicating it is a dead end street, if the end of the cul-de-sac is not clearly visible from the entrance.

c. Cul-de-Sac Turnaround Design

Cul-de-sac streets shall be terminated by a turnaround having a minimum pavement radius of forty-

five (45) feet. Center islands positioned within the center of the turn-around, which possess an eighteen (18) foot radius or less, are encouraged to be installed if a property owners' association with the capacity to maintain the landscaped center islands is to be created and notations to this effect shall be clearly indicated on the approved plan and documents recorded in the Courthouse.

4-3-11 SERVICE ALLEYS

In certain situations, the use of service alleys may be a desirable alternative to the more traditional type of development. Since alleys may be permitted, however, the following conditions shall apply:

a. Frontage

Frontage on an alley shall not be construed to satisfy any lot frontage requirements of Article 3.

b. Maintenance of Alleys

Service alleys shall only be created if to be maintained and perpetuated by a property owners' association with the capacity to maintain the service alleys to be created and notations to this effect shall be clearly indicated on the approved plan and documents recorded in the courthouse.

c. Alley Design

Service alleys shall have a minimum right-of-way width of fourteen (14) feet, a minimum pavement width of ten (10) feet, and a maximum length of 500 feet

d. Alleys Not Designed to Handle Through Traffic

Transportation system design shall be such that alleys are not used by vehicular through traffic desiring to bypass roads more suitable for their passage.

e. Dead End Alleys

Where alleys are proposed to terminate in a cul-de-sac, either a circular or a "T" turnaround shall be provided.

4-3-12 REGULATORY AND TRAFFIC SIGNS

a. Developer Responsible for Providing Signs

The developer shall be responsible for the provision of all regulatory and traffic signs required to maintain and ensure traffic safety during and after construction of improvements. This shall include the provision, if required by the plan-approving authority after consultation with the Department of Transportation, of temporary or permanent regulatory and traffic signs during construction.

b. Signs Erected Prior to Issuance of Building Permits

All intersections of development streets with existing public roadways shall be provided with appropriate STOP or YIELD signs, as determined by the Department of Transportation, prior to the issuance of any building permits for any structure on a lot contained within said development accessed directly or indirectly through such intersection.

c. Signs Erected Prior to Building Ordinance

All required regulatory and traffic signs within any development shall be installed prior to occupancy of any structure within the development.

4-3-13 SIGHT TRIANGLES

a. Site Triangle Area Defined

Sight triangles shall be required at all intersections. Sight triangles shall include the area on each corner that is bounded by the pavement edge lines from the sight points to the point of intersection and the connecting line (hypotenuse) between the sight point location along a street shall be determined as shown in Exhibit ____.

EXHIBIT _____
SITE TRIANGLE REQUIREMENTS

<u>Street Classification</u>	<u>Distance from Point of Intersection (Feet)</u>
Access Street	20
Subcollector	20
Minor Collector	30
Major Collector	40
Minor Arterial	50

b. Site Triangle Clearance

Signs, plantings, structures or other obstructions which obscure or impede sight lines between three feet (3') and six feet (6') in height above grade shall be prohibited within the sight triangle.

c. Depcit on Plan of Development

The sight triangle shall be clearly shown and its purposes noted on the Final Plat.

4-3-14 PRIVATE ROADS

Developments which contain private roads as allowed must, as a minimum, meet each of the requirements set forth under either Type I or Type II below:

a. Type I:

Type I private roads must meet or exceed each of the following requirements:

- (1) The private roads must connect directly to a state-maintained hard-surfaced road at one location and not connect to any other road. All roads in the proposed development shall be designed and constructed in accordance with the most current edition of Virginia Department of Transportation Subdivision Street Requirements, as well as other applicable regulations of the Department or in accordance with the design standards as set forth in Exhibit ____, except that the road need not be hard surfaced.

- ~~(2) No lot of such development to be served by a private road shall be less than five (5) acres in land area. No more than twenty-four (24) lots shall be within such development.~~

- (3) The developer shall erect, within twenty-five (25) feet of the point where the primary access road to the development joins a State

maintained road, a permanent sign, clearly visible from the State maintained road, containing the following statement in block letters no less than three (3) inches high:

THE UNPAVED ROADS IN THIS DEVELOPMENT
WILL NOT BE PAVED OR MAINTAINED
AT PUBLIC EXPENSE.

Such sign shall be maintained by the developer and the organization established pursuant to Subsection (8) below, in clearly visible condition, so long as the subdivider owns any lot in the development.

- (4) Each private road shall be clearly marked as such on the final plat of any development, and the subdivider shall have boldly printed upon the final plat, which must also be included in the real estate sales/land contract and as a covenant in each deed for a lot in the subdivision the following statements:

THE PRIVATE ROADS IN THIS SUBDIVISION WILL NOT BE PAVED OR MAINTAINED WITH FUNDS OF RICHMOND COUNTY OR FUNDS ADMINISTERED BY THE VIRGINIA DEPARTMENT OF TRANSPORTATION. IN ADDITION, RICHMOND COUNTY SCHOOL TRANSPORTATION POLICIES WILL NOT ALLOW SCHOOL BUSES TO TRAVEL AND PICK UP CHILDREN ON PRIVATE ROADS. IN THE EVENT THAT OWNERS OF LOTS IN THE SUBDIVISION SUBSEQUENTLY DESIRE THE ADDITION OF SUCH PRIVATE ROADS TO THE SECONDARY SYSTEM OF STATE HIGHWAYS FOR MAINTENANCE, THE COST TO UPGRADE IT TO THE PRESCRIBED STANDARDS MUST BE PROVIDED FROM FUNDS OTHER THAN THOSE ADMINISTERED BY THE VIRGINIA DEPARTMENT OF TRANSPORTATION OR RICHMOND COUNTY. PRIVATE ROADS IN THIS SUBDIVISION ARE NOT DEDICATED AND ARE OWNED BY (trust, corporation, association).

- (5) Except where required by the plan-approving authority to serve a specified public purpose, such private road shall not be designed to serve through traffic nor to intersect the State highway system in more than one location.

(6) Any such private road shall be adequate to carry the traffic volume which may be reasonably expected to be generated by such subdivision.

(7) The fee simple ownership of such private road is to be owned by a private membership corporation, association, or trust established pursuant to Subparagraph (8) below.

(8) The subdivider shall create and establish by properly executed documents a trust, membership corporation, or property owners' association for the purpose of maintaining and improving the roads in the development. The trust agreement, articles of incorporation, or bylaws of such trust, corporation or association shall be in substantial compliance with the form of trust agreement, articles of incorporation, or bylaws, which the agent may from time to time prescribe.

(9) The initial funding of the road maintenance fund of the trust, corporation, or association to be established as aforesaid, shall be provided by the developer depositing to the credit of such trust, corporation, or association five (5) percent of the gross sales price for each lot sold in said development or a minimum of \$500.00 per lot, whichever is greater. Such percentage of the gross sales price shall be paid upon closing of each and every lot in said subdivision. Gross sales price as used herein shall mean the selling price to a bona fide third party purchase, and in the event of a sale which is not an arm's length, the gross selling price shall be deemed to be the greater of (a) the actual market value of such lot as determined by the trustees, corporation, or association to be established as aforesaid, or (b) the assessed value of such lot for real estate tax purposes, whichever is less.

b. Type II:

Type II private roads must meet or exceed each of the following requirements:

- (1) The private road must connect directly to a State-maintained hard-surfaced road at one location and not connect to any other road.
- (2) The applicable design and construction standards of Exhibit ____ shall apply.
- (3) The private road must be no more than 500 feet long.
- (4) No more than five (5) lots abut the road.
- (5) Each private road shall be clearly marked as such on the final plat of any development, and the developer shall have boldly printed upon the final plat, which must also be included in the real estate sales/land contract and as a covenant in each deed for a lot in the subdivision, the statements identified in 4-3-14a(4) above.

EXHIBIT _____
DESIGN FOR PRIVATE GRAVEL ROADS

No. of Lots Served by Road Segment*	Maximum Grade** (%)	Minimum Design Speed (MPH)	Stopping Sight Distance (Feet)	Minimum Gravel Surface Width (Feet)	Minimum Shoulder Width (Feet)	Subbase	Depth of VDOT Aggre- gate Base***	Surface	Minimum Right-of- Way Width
5, OR LESS Less than 5	12	25	160	20	5	4" select material VDOT Type I, II, or III	4" VDOT #25 or #26	Gravel	50
6 or more	12	35	240	20	5	6" select material VDOT Type I or II	6" VDOT #25 or #26	Gravel	50

* Number of lots served shall mean the aggregate of all lots served by such road segment and all lots having access over such segment to a public road. Road segment shall mean each portion of a private road between its intersection with other private or public roads.

** Maximum grade may exceed 12 percent up to a maximum of 18 percent for a maximum length of 300 feet, provided 6" of #25 or #26 aggregate base is placed with prime and double seal surface treatment in accordance with VDOT specifications.

*** Depth of aggregate base is compacted depth. Loose aggregate of 8"± will compact to 6" depth. Loose aggregate of 5-1/2"± will compact to 4" depth.

4-3-15 ACCELERATION/DECELERATION LANES

Acceleration/deceleration lanes shall be provided as required by the Virginia Department of Transportation in accordance with the traffic volumes in the vicinity and the projected effect of the proposed development on such traffic volumes.

4-3-16 RIGHT-OF-WAY WIDENING

In the event the property being developed abuts a road having a right-of-way width which is less than that required for its particular functional classification as determined by the Virginia Department of Transportation, the developer shall be responsible for providing a reserve strip, equal in width to one-half (1/2) of the total right-of-way deficiency, for future highway and drainage improvements.

4-3-17 STREET NAMES

- a. Names of proposed streets shall not duplicate or nearly duplicate the name, spelling or sound of

any existing or approved street name within the County or within any portion of an abutting jurisdiction which is in an automatic and mutual emergency response area and/or where such a mutual emergency response agreement has a reasonable potential to be established.

- b. Proposed streets which align with planned, recorded or existing streets shall bear the name of the planned, recorded or existing streets. The plan-approving authority, however, may require the use of a different street name when it is determined that such action is in the best interest of public safety.
- c. Street names shall be indicated on every Plan of Development and the record plat and shall be approved by the plan-approving authority.
- d. Names of recorded or existing streets shall not be changed except by resolution of the Board of Supervisors.

4-3-18 STREET SIGNS

- a. Street Signs to be Installed at Intersections
- a. Permanent street identification signs of a design approved by the plan-approving authority shall be installed at all intersections by the developer. Permanent street signs shall have reflective backgrounds and lettering and shall conform with the following size standards based on the existing or anticipated posted speed limit of the roadway to which the sign faces:

<u>Speed Limit</u>	<u>Minimum Sign Size</u>	<u>Lettering Height Upper Case</u>
less than 35 mph	5x24-36"	4"
36-50 mph	8x36-45	6"
50+ mph	12x45-55"	8"

- b. Street Signs for Private and Public Streets
- Streets within the state system shall have signs with green reflective backgrounds. Private roads shall have signs with white reflective backgrounds.

c. Installed Before Issuance of Certificate of Occupancy

Prior to the issuance of Certificates of Occupancy, street identification signs shall be installed, by the developer, at all street intersections through which access to the lot(s) upon which construction will occur passes.

4-4 OPEN SPACE AND RECREATION

4-4-1 PURPOSE AND INTENT

The purpose and intent of these regulations is to maintain a sense of openness associated with rural areas within newly constructed developments and the County in general, preserve and protect significant and sensitive natural and cultural resources, and provide active and passive recreational opportunities approximate to the citizens of the County.

4-4-2 PLAN OF DEVELOPMENT SUBMITTAL REQUIREMENTS

Plans of development shall identify the location and type of common open space and the type of proposed recreational uses and facilities. Justification of the recreational uses proposed should be provided and compliance with these regulations shall be demonstrated.

GENERAL REQUIREMENTS

a. Common Open Space Required

All development shall include open space areas as part of the plan of development. Open space shall generally mean all areas not utilized for buildings, roads and parking, loading areas or accessory structures. Areas qualifying as open space include, but are not limited to natural undisturbed areas, landscaped areas, ponds and lakes, wetlands, dedicated wildlife preserves, buffer areas and ancillary recreational amenities such as playlots, playgrounds, swimming pools, tennis courts and golf courses.

b. Location

- (1) An effective open space system should tie together a number of diverse recreational activity areas with adequate pedestrian pathways and auto/bicycle access for residents it is intended to serve. As many homes as possible should have direct access to the open space of a development. Open space shall be distributed throughout the

development so that there is a hierarchy of activities from preservation areas to passive open space adjacent and between development areas to appropriately buffered active recreational areas. Designating all open space in one portion of a development is to be discouraged.

- (2) Usable recreation space should be provided for active recreation within one-quarter (1/4) mile of all dwelling units. Part of this may be a lake or a pond having a substantially constant water level.
- (3) Active recreation should be visibly close but shall not interfere with the privacy of adjacent residents. These areas should be designed to accommodate the recreational needs of the project's intended age groups.

c. Nature of Common Open Space

- (1) In residential developments requiring major plan of development approval, a percentage of the required general open space shall be

specifically restricted for use as common open space through deed restrictions, covenants, public dedication or other methods acceptable to the plan-approving authority. The percentage of required general open space needed to satisfy this standard is in accordance with the area regulations for the base zoning district(s) the site lies within (see Article 3). Open space shall be legally described and depicted on the subdivision plat to be recorded. In rental apartment developments or other residential developments not requiring subdivision of land and subsequent recording of a plat, common open space shall be required, but shall be identified on the approved development plan. The restricted area shall be referred to in this section as "common open space."

- (2) Lands included as common open space may include historic sites or lands planned for active recreational uses, such as: golf courses, tennis courts, areas for other court games, pedestrian, bike and equestrian

trails, plaza areas for crowd congregating, playfields, playgrounds, picnic areas, horse stables, or passive recreation areas. Common open space may also include areas subject to restrictions, such as wetlands, beaches, and habitat areas which shall be planned for limited use and access and appropriate protection.

- (3) Not more than fifty (50) percent of the total required common open space area for all residential developments shall be unusable areas, unless such additional usable areas are made accessible to residents of the development.
- (4) Wherever feasible, the common open space shall connect into existing County parks, recreation or conservation lands, historic sites, or lands proposed for park, recreation or conservation in the Comprehensive Plan, or lands in adjacent developments that are set aside, or proposed to be set aside, for common open space.

PRESERVATION OPEN SPACE AND RECREATIONAL OPEN SPACE

As a landscape feature and asset, open space is encouraged in all developments, even when not required. The objectives of the landscape treatment of open space is to provide the opportunity and space for active and passive recreation in all areas of human activity and residence, to protect and enhance the County, natural amenities such as wooded areas, water bodies, streams, greenbelts, and to reinforce the rural image of Richmond County. All common open space areas shall be designated as one (1) of two (2) types, Preservation or Recreation Open Space, as follows:

a. Preservation Open Space.

This treatment is appropriate in areas adjacent to and inclusive of natural amenities to be preserved, such as wooded areas, water bodies, streams, wetlands, greenbelts, as well as undevelopable areas. The following standards shall apply:

- (1) Use open space to preserve existing natural amenities during site planning.

(2) Provide pedestrian walkways, bikeways, and bridges as necessary to connect to open space on adjacent tracts of land.

(3) Cleared areas shall be renaturalized where appropriate.

(4) Any major plan of development along waterbodies shall provide common open space along the entirety of the waterbody at least to the limits of the Resource Protection Area (RPA).

b. Recreational Open Space.

Recreational open space includes lands provided for active recreation and passive recreation and as additions to park lands. It can take on many forms, from a tot lot or tennis and swimming complex in a residential development to an English landscape garden in an office development. The landscape treatment of these areas shall address safety, visual interest, microclimate, and use. The following standards shall apply:

- (1) The proposed use of all open space areas shall be indicated and comply with County ordinances.
- (2) Open space in commercial, office, or manufacturing developments shall include sitting and outdoor eating areas. Provisions for other active and passive recreation facilities is encouraged.
- (3) Grading and plantings of the recreation area shall remain consistent with the overall landscape design. The landscape design shall consist of massed deciduous and evergreen trees and berms to create spaces and views and ornamental trees and shrub masses for visual variety, interest, and detail as provided in Section 4-12.
- (4) Suggested improvements for residential recreation open space areas include a tot lot (play structure with slide and a separate swing set), and open air shelter, an open lawn area for open field play, pedestrian and bike paths, and benches. Other improvements

shall be provided as required based upon population.

(5) The adjacent residences shall be partially screened from play areas using berms, planting and fencing.

(6) If a recreation facility fronts onto a roadway, a post and rail fence or other protective measures combined with landscaping may be integrated to provide protection and separation.

(7) All open space should optimally be located centrally within a development. In large developments, several smaller facilities may be appropriate. Adequate access from buildings, roadways, and other open space areas shall be provided. Pedestrian easements between lots, connecting to open space areas in another development or a public facility, shall be provided.

a. Historic and Natural Resources

Sites inclusive of historic resources and natural amenities shall be preserved so as to protect such amenities for present and future Richmond County residents. Historic resources and natural amenities are areas of unique landscape character. This may include, but is not limited to, bodies of water, streams, wetlands, windbreaks, groves of trees, hedge rows, orchards, unique vistas, farmsteads, villages, historic structures, and landmarks.

b. Using Resources as Amenities

Land developments in Richmond County shall be designed to preserve and utilize these features as amenities. The plan of development shall utilize these amenities for design themes, preserving their heritage and enhancing their significance. The following standards shall apply:

- (1) Utilize the uniqueness of the existing bodies of water, groves of trees, hedge rows,

historic structures and landmarks, and farmsteads within the plan as amenities.

(2) Respect the historic value and character of the village areas which exist in the County. Development within these areas shall preserve their individual character.

(3) Provide landscaping as required, integrated with existing vegetation or historic landscaping themes.

(4) When appropriate, the development of historical markers or displays is encouraged.

4-4-6 PEDESTRIAN SPACES

a. Intent

Pedestrian spaces shall be designed to promote free and safe movement of pedestrians and bicycles into, in between, and through proposed and existing facilities and to provide pleasant pedestrian spaces at building entrances and development centers.

b. Standards for Pedestrian Spaces

The following standard shall apply:

- (1) Pedestrian and bicycle access shall be provided from public roadways, parking lots, and adjacent land uses where appropriate.
- (2) The layout of pedestrian walkways shall be consistent with the overall design. In natural landscapes, walkways shall meander through plantings and berms. Formal landscapes may require long straight walkways. The views of the pedestrian shall be visually interesting.
- (3) Plantings along pathways shall provide shade, orientation, and views.
- (4) Benches and sitting areas shall be provided along pathways where appropriate and particularly where they can incorporate or provide views of a significant landscape feature, recreational facility, or interesting site design of the project.

- (5) Within common open space areas, all walkways shall have an unobstructed width of four (4) feet for pedestrians and eight (8) feet for pedestrians and bicycles and be paved appropriately.
- (6) Connections to open space areas and facilities on adjacent properties shall be provided. Pedestrian easements between lots with a paved bike/hike pathway may be required.
- (7) Pedestrian bridges over streams, ravines, or drainage swales are encouraged and shall be required when necessary to make connections in pedestrian systems. They are subject to all regulatory agency permit requirements.
- (8) Other pedestrian amenities such as kiosks, water fountains, pedestrian scale lighting, and gazebos shall be provided where appropriate.

- (9) Bicycle parking for each building and adequate space for bicycle movements shall be provided.
- (10) Building entrances, plazas, exterior malls, and development centers shall receive detailed pedestrian scale landscape architectural treatments. Plantings shall include shade trees, evergreen and ornamental trees, and shrubs. The planting design shall provide visual variety and interest, spatial enclosure and separation from parking areas, and protection from sun and wind. Sitting areas with benches or seat walls shall be provided.

4-4-7 RECREATIONAL FACILITIES

a. Bike/hike paths

Bike/hike paths shall be used to connect open spaces between recreational facilities and between residential buildings and other uses. Vehicular conflicts with open space pathways are discouraged. Depending on use and location,

bike/hike paths shall be asphalt, concrete,
gravel, soil cement, stabilized earth or wood
planking and be of a width as depicted in Exhibit
_____.

EXHIBIT _____
BIKE/HIKE PATH DESIGN IN COMMON
OPEN SPACE AREAS

<u>Type of Path</u>	<u>Pathway Width</u> (Feet)
One-way bikeway shared with pedestrians	6+
Two-way bikeway shared with pedestrians	8+
One-way independent bikeway path	4
Two-way independent bikeway path	8

Bike/hike paths within Resource Protection Areas
shall be pervious.

b. Playlots

Playlots shall be a minimum of two thousand
(2,000) square feet for toddlers and up to five
thousand (5,000) square feet for older children.
They are primarily used by pre-school age
children. Facilities include swings, slides, play

sculptures, and benches for parents. The effective service radius of a playlot is one-eighth (1/8) of a mile. Approximately one (1) playlot for each four hundred (400) persons or one hundred (100) children.

c. Playgrounds

Playgrounds are designed for a variety of uses and the equipment selected should reflect anticipated patronage. Sandboxes and play sculptures should be provided for young children and basketball courts/backboards and tennis courts for active participants of all ages. The size of playgrounds shall be in accordance with Exhibit ____.

EXHIBIT ____
PLAYGROUND STANDARDS

<u>Area Population</u>	<u>Playground Size (acres)</u>
2,000	3.50
3,000	4.75
4,000	7.00

d. Tennis Courts

One tennis court shall be provided for each one hundred (100) dwelling units.

e. Swimming Pools

Swimming pools shall be provided in accordance with Exhibit ____.

EXHIBIT ____
SWIMMING POOL STANDARDS

<u>Number of Dwelling Units</u>	<u>Pool Size in Sq. Ft.</u>
Under 50	800-1,000
50-100	1,000-1,300
101-150	1,200-1,500
151-200	1,400-1,800
Over 200	1,800 up

In larger developments, a series of smaller pools relating to individual housing groups should be considered instead of a centrally located, large pool. Wading pools should be provided where the anticipated child population indicates that they will be used.

f. Community Buildings

In developments of over one hundred fifty (150) dwelling units, consideration shall be given toward a recreation center/community multi-purpose building. Such facilities should be within

walking or easy biking distance of the majority of residents it is intended to serve.

g. Other Amenities

Jogging trails and exercise stations, benches and sitting areas, and community garden plots are other amenities which may warrant consideration.

4-4-8 COMPLETION OF IMPROVEMENTS PRIOR TO THE ISSUANCE OF A
CERTIFICATE OF OCCUPANCY

Recreational and open space facilities and improvements shall be completed and available for use prior to the issuance of any certificates of occupancy for dwelling units in the development. The plan-approving authority may, however, approve a phased development schedule for recreational facilities which generally corresponds to the overall phasing of the development itself.

a. Ownership Methods

The type of ownership of land dedicated for open space purposes shall be selected by the owner or developer, subject to the approval of the plan-approving authority. Common open space areas shall be maintained so that their use and enjoyment as open space is not diminished or destroyed. Common open space areas shall be owned permanently, preserved and maintained by any of the following mechanisms or combinations thereof:

- (1) Dedication of common open space to an appropriate public agency, if there is a public agency willing to accept the dedication.
- (2) Common ownership of the open space by a Property Owner's or Homeowner's Association or a similar entity approved by the authority which assumes full responsibility for its maintenance.

(3) Deed-restricted private ownership which shall prevent development and/or subsequent subdivision of the common open space land and provide for the maintenance responsibility.

b. May Not Be Dissolved

Such organization shall not be dissolved and shall not dispose of any open space, by sale or otherwise, except to an organization conceived and established to own and maintain the common open space for the benefit of such development.

c. Property Owners' Association

If the open space is owned and maintained by a homeowner or condominium association, the developer shall submit a declaration of covenants and restrictions that will govern the association, with the application for the preliminary approval. The provisions shall include, but are not necessarily limited to, the following:

(1) The homeowners' association must be established before the homes are sold.

- (2) Membership must be mandatory for each home buyer and any successive buyer.
- (3) The open space restrictions must be permanent, not just for a period of years.
- (4) The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
- (5) Homeowners must pay their pro rata share of the cost; the assessment levied by the association may become a lien on the property if allowed in the master deed establishing the homeowners' association.
- (6) The association must be able to adjust the assessment to meet changed needs.

d. Maintenance of Common Open Space

- (1) Pruning shall include the removal of dead or diseased wood, wood infested with insects,

weak or structural defects in the wood, excessive suckers and shoots, and any irregular or damaged growth.

Plants shall be checked during the periodic inspection to determine if pruning is necessary. Care shall be taken to prune flowering trees and shrubs properly during the dormant season or after flowering. Evergreen shrubs shall be pruned after flowering.

Shrub material shall not be sheared as individual plants. The plants that are intended for screening or buffering shall be pruned in natural massed forms so as to enhance the plants' natural growth.

Root pruning of all trees adjacent to curbs or sidewalks shall be undertaken as necessary to prevent heaving of the sidewalk/curb by excessive roots. The need for such pruning shall be determined during the periodic inspection and with knowledge of the most recent pruning. ~~Care shall be taken not to~~

~~prune a root system in excess of one third
(1/3) diameter of the tree per year.~~

(2) The control of insects and disease associated with all planting areas shall be a maintenance priority. All plantings shall be periodically inspected for insect or disease infestation. Methods utilized to control insects and disease may range from spraying and pruning to plant removal. Whatever method is utilized, safety and control shall always be of prime concern. Certified and trained personnel shall always perform this task.

(3) All plantings which are damaged or destroyed shall be replaced during the next planting season. A failing, damaged, or destroyed landscape screen with buffer shall be renovated or replaced within a reasonable amount of time, but not to exceed the subsequent growing season.

(4) Site amenities include, but are not limited to, tot lots, play structures, benches,

tables, bridges, paths, fences, walls, banks, bicycle racks, and signs. All of these amenities shall be periodically inspected. Any damaged, worn, or unsafe conditions shall be rectified immediately.

(5) All lighting essential to pedestrian and vehicular circulation shall be periodically inspected. Damaged or malfunctioning lights shall be replaced or repaired immediately.

(6) All paved surfaces shall be periodically inspected and maintained. Items of normal maintenance not listed below but found to be necessary shall be performed as soon as possible to keep these surfaces safe and in satisfactory condition.

(7) All roadways, parking areas, loading areas, and pedestrian walkways shall be maintained free of snow, trash, and debris at all times.

- (8) Damaged pavements shall be repaired and properly resurfaced or replenished as necessary to assure a neat appearance and safe usage.

e. Failure to Maintain Common Open Space

- (1) In the event that a non-public organization with the responsibility for the open space fails to maintain it in reasonable order and condition, the Land Use Administrator may serve written notice upon such organization or upon the owners of the development setting with the manner in which the organization has failed to maintain the open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be remedied within thirty-five (35) days thereof and shall state the date and place of a hearing thereon which shall be held within 15 days of the notice.
- (2) At such hearing, the Board of Supervisors may modify the terms of the original notice as to

deficiencies and may give a reasonable extension of time not to exceed 65 days within which they shall be remedied. If the deficiencies set forth in the original notice or in the modification thereof shall not be remedied within said 35 days or any permitted extension thereof, the County, in order to preserve the open space and maintain the same, may enter and maintain such land for a period of one year. Said entry and maintenance shall not vest in the public any rights to use the open space except when the same is voluntarily dedicated to the public by the owners. Before the expiration date of said year, the Board shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the open space, call a public hearing upon 15 days written notice to such organization and to the owners of the development, to be held by the Board, at which hearing such organization and the owners of the development shall show cause why maintenance by the County shall not, at the election of the County, continue for a

succeeding year. If the Board of Supervisors shall determine that such organization is ready and able to maintain the open space in reasonable condition, the County shall cease to maintain the open space at the end of the year. If the Board shall determine such organization is not ready and able to maintain the open space in a reasonable condition, the County may, at its discretion, continue to maintain the open space during the next succeeding year, subject to a similar hearing and determination, in each year thereafter. The decision of the Board of Supervisors or officer in any such case shall constitute a final administrative decision subject to judicial review.

- (3) The cost of such maintenance by the County shall be assessed pro rata against the properties within the development that have a right of enjoyment of the open space in accordance with the homeowner's agreement, or if maintenance is not assessed by the homeowner's agreement then by the assessed value at the time of imposition of the lien

and shall become a lien and tax on said properties and be added to and be a part of the taxes to be levied and assessed thereon, and shall be enforced and collected with interest by the same officers and in the same manner as other taxes.

f. County Acceptance or Acquisition of Common Open Space

- (1) Any lands offered to Richmond County or proposed as open space as required above shall be located and of a size that will best suit the purposes for which the lands are intended, and be conveyed by deed at the time final approval is granted subject to approval by the plan-approving authority (and the Board of Supervisors where lands are offered to the County). The Board shall be guided by the Comprehensive Plan, the ability to assemble and relate such lands to an overall plan, the accessibility and potential utility of such lands and such existing features as topography, soils, wetlands, and tree cover as these features may enhance or detract from

the intended use of the lands. The plan-approving authority may request an opinion from other public agencies or individuals as to the advisability of accepting any lands to be offered.

- (2) Where a proposed park, public waterway and/or waterfront access site, playground, school, refuse container site, public safety facility or other public facility or public use as shown on the Comprehensive Plan is located in whole or in part on land within a development, the land shall be dedicated or reserved for purchase by the County or other appropriate agency. Where large scale development occurs necessitating additional community facilities not shown on the Comprehensive Plan, the County may require the dedication or reservation of new sites.

- (3) Land reserved for public purchase shall be shown on recorded plats as lots by means of dashed lines and numbers on the preliminary and final plats and may be sold as such without filing an amended plat. If public

action to acquire the land has not been initiated within 18 months of recording the final plat, the owners of said lots may obtain permits for the development given the County's relinquishment of rights to purchase.

g. Conditions on Lands Dedicated for Open Space

(1) Where improved open space and recreation area are provided in a development, such improvements shall be installed in accordance with the approved open space and recreation plan.

(2) Any lands dedicated for open space purposes shall contain appropriate covenants and deed restrictions approved by the plan-approving authority to ensure that:

- The open space area will not be further subdivided in the future.
- The use of the open space will continue in perpetuity for the purpose specified.

- Appropriate provisions are made for the maintenance of the open space.
- Common undeveloped open space shall not be turned into a commercial enterprise admitting the general public at a fee.

4-5 WATER AND SEWER FACILITIES

4-5-1 PURPOSE AND INTENT

The provisions of this section are intended to ensure that water and sewer facilities serve any permitted use of land associated with habitation or occupancy.

4-5-2 PLAN OF DEVELOPMENT SUBMITTAL REQUIREMENTS

In addition to submitting data evidencing compliance with the requirements of this Section, plan of development submittal requirements must satisfy the requirements of state regulatory agencies reviewing water and sewer system proposals including the Health Department and the State Water Control Board.

4-5-3 GENERAL REQUIREMENTS

a. Water

Requirements for the provisions of potable water

are as follows:

(1) Public Water

Where public water is available as per the requirements of Section 4-5-3c(1), it shall be extended to all existing and foreseeable users within the plan of development site.

(2) Central Water System

For major plan of development proposals where public water is not available, the developer shall construct a central water system including distribution lines, storage tanks and facilities, and supply facilities within the development. Upon completion of the improvements and after receiving acceptable test results, the water system together with all necessary easements and rights-of-way shall be dedicated to an entity acceptable to the County or the County should the County elect to accept the system. No development will be approved unless it can be fully established to the satisfaction of the County that the central water system can be properly maintained in perpetuity.

The plan-approving authority may waive or modify the requirement to construct a central water system upon making the following findings, where applicable:

- The minimum size of the lots is sufficiently large as to make the installation of a central water system unnecessary;
- the Health Department has approved an individual well location on each proposed lot;
- Groundwater resources will be at least equally protected by individual wells as they would be by a central water system;
- alternative sources of water, acceptable to the Fire Department, are available or will be provided for fire suppression purposes; and
- the public health is not more adequately served by a central water system than by

individual wells.

(3) Individual Wells

Where development proposals are to be served by individual wells, the proposed location of individual wells shall have been approved by the Health Department. The developer shall provide to the County a general quantitative and qualitative analysis of the water to be available from the proposed well locations.

b. Sewer

Requirements and standards for sewage disposal in developments are as follows:

(1) Public Sewer

If public sewer is available as per the requirements of Section 4-5-3c(1), it shall be extended to all existing and foreseeable users within the development site.

(2) Individual Sewer

If public sewer is not available, developments proposed to be served by septic

systems may be approved by the plan-approving authority provided:

- Both a primary location and a one hundred percent (100%) reserve location for the septic system will be provided, neither of which shall be located, in whole or in part, in the Resource Protection Area. A reserve drainfield shall not be required on any lot or parcel recorded prior to October 1, 1989 if, in the opinion of the Health Department, the lot or parcel is not sufficient in size and no acceptable off-site septic tank and drainfield site is available.

- The location and design for each septic system (both primary and reserve) has been accomplished in accordance with the most current edition of the "Sewage Handling and Disposal Regulations" of the Virginia Department of Health and has been specifically and individually approved by the Health Department.

- Contamination or pollution of wells, groundwater, state waters, or any Chesapeake Bay Resource Preservation Area or Resource Management Area is unlikely to occur from any proposed individual septic system.

Any development submitted for review shall include the specific locations proposed for both primary and reserve on-site septic system installations and the results of soil evaluations and percolation tests for each proposed location. Any proposed development lot not suitable for the installation of private sewage disposal systems shall either be combined with lots that are suitable or dedicated to common open space or recreation use, so that only buildable lots are created.

(3) Septic Tank Maintenance

Any person who owns a building, residence or other structure which is served by an on-site sewage system not requiring an VPDES permit shall have the system pumped out at least once every five years. Owners of all such

systems in existence within the County as of October 1, 1989 shall submit a Septic Tank Maintenance Certificate to the Land Use Administrator by October 1, 1994. A blank copy of this certificate is available from the Land Use Administrator.

c. Provisions Related to Both Water and Sewer Facilities

(1) Extension to Utility Systems

Where public sewage or water is available within two thousand (2,000) feet of any proposed plan of development exceeding 50 dwelling units or 10 acres of disturbance, then lines shall be installed by the developer at his cost to connect to the system. The distance specified herein shall be measured in a straight line from the nearest boundary of the development to the nearest available line. Actual construction may, however, be required to be along a more indirect route.

(2) Off-Site Water and Sewer Facilities Costs

The developer shall be required to pay a pro rata share of the cost of providing reasonable and necessary sewer and water improvements located outside of the property limits of the land owned or controlled by him whenever the following conditions exist:

- The Land Use Administrator determines that such off-site improvements to sewer or water are necessitated at least in part by the construction or improvement of the development.
- The County or other appropriate public authority has established a general sewer or water improvement program for an area having related and common water and sewer conditions and the developer's property is located within this area.
- The estimated cost of the total water or sewer improvement program has been determined.
- The estimated water or sewerage flow has

been established for the designated area served by such program.

The developer's share of the above-estimated cost of improvements shall be limited to the proportion of such estimated cost which the increased water and sewage flow actually to be caused by his development bears to the total estimated volume of such water or sewage from such area in its fully developed state.

Such payment received by the County shall be expended only for construction of those facilities for which the payment was required, and until so expended shall be held in an interest-bearing account for the benefit of the developer, provided, however, that in lieu of such payment the County may permit the developer to post a bond with surety satisfactory to the County conditioned on payment at commencement of such construction.

(3) Construction Standards

All water supply systems and sewage disposal

systems shall be constructed in accordance with all applicable construction standard promulgated by the Health Department or as contained in the Richmond County Code and related policies adopted by the County. Certificates of Compliance shall be issued by the Land Use Administrator prior to the commencement of construction.

To the degree possible, the location of water system lines and sewage disposal systems and related facilities and equipment should be outside of the Resource Protection Area.

No more land shall be disturbed than is necessary to provide for the desired utility installation.

All such construction, installation and maintenance of water and sewer utilities and facilities shall be in compliance with all applicable local, state and federal permits and designed and operated in a manner that protects water quality.

Any land disturbance resulting from the construction, installation, and maintenance of water and sewer systems which exceeds an area of 2,500 square feet shall be undertaken only after approval of an erosion and sediment control plan prepared, submitted, and reviewed in accordance with Section 4-8.

4-6 UNDERGROUND WIRED UTILITIES

4-6-1 PURPOSE AND INTENT

It is the purpose and intent of this Section is to reduce the adverse impacts of overhead utility lines by requiring all utility facilities proposed within major plans of development to be located underground.

4-6-2 PLAN OF DEVELOPMENT SUBMITTAL REQUIREMENTS

Each plan of development should show the location and type of wired utilities on the plan of development.

4-6-3 GENERAL REQUIREMENTS

a. Major Plan of Development Utilities Underground

All utility facilities proposed within major plans of development, including but not limited to wires, cables, pipes, conduits and appurtenant equipment, carrying or used in connection with the furnishing of electric, telephone, cable

television or similar service shall be placed underground. The plan-approving authority may waive this requirement in the case of exceptionally large lots or unusual topographic conditions.

b. Exemptions

The following shall be permitted above ground:

- (1) Electric transmission lines and facilities in excess of fifty (50) kilovolts;
- (2) Equipment such as electric distribution transformers, switch gear, meter pedestals, telephone pedestals, outdoor lighting poles or standards, radio antennas, traffic control devices, and associated equipment, which is, under accepted utility practices, normally installed above ground;
- (3) Meters, service connections and similar equipment normally attached to the outside wall of the customer's premises;

(4) Temporary above-ground facilities required in conjunction with an authorized construction project;

(5) Facilities necessary to extend utility service to the property line of the site under development.

c. Existing Above-Ground Utilities Grandfathered
Existing above-ground facilities may be maintained or repaired provided that such repair does not involve relocation. Whenever any existing on-site above-ground utilities require relocation for any reason, they shall be removed and placed underground.

d. Utilities to be Located Within Easements
All utilities shall be placed within easements or public street rights-of-way or as may be otherwise approved by the plan-approving authority. All utilities should be ganged together so as to minimize the disturbance of natural areas.

4-7 DRAINAGE

4-7-1 PURPOSE AND INTENT

It is the purpose and intent of these regulations to ensure that developments shall be provided with such storm drains, culverts, drainageways, or other works as are necessary to collect and dispose of surface and storm water originating on or flowing across the development, in order to prevent inundation and damage to streets, lots, and building, and to improve the water quality of the Chesapeake Bay and its tributaries.

4-7-2 PLAN OF DEVELOPMENT SUBMITTAL REQUIREMENTS

- a. Compliance with Requirements of this Section
Plan of development proposals shall include the submission of sufficient evidence in the form of plans and attachments which establish that the plan complies with the requirements of this section.

b. Stormwater Management Plan

The preliminary submission of a plan of development shall be accompanied by a storm water management plan, if and as required by the Land Use Administrator, showing information for determination of improvements necessary for controlling storm water runoff, including drainage plans and flood control devices. This plan shall show natural drainage patterns and a complete drainage layout, including pipe sizes and types, stormwater detention and retention facilities, drainage easements and means of transporting drainage to a well-defined open stream. Areas subject to periodic flooding (100-year flood) shall be delineated on preliminary and final plans of development.

c. Continuing Management Plan

A continuing maintenance plan, including an owners' association if necessary, shall be submitted for all elements of the drainage and flood control system which will not be the maintenance responsibility of the County or the Virginia Department of Transportation. The developer shall provide assurance that all

facilities are in good repair and properly functioning when the development has been completed.

4-7-3 GENERAL REQUIREMENTS

a. Provision of Drainage and Stormwater Management Facilities

- (1) Drainage and stormwater management facilities shall be provided, either on-site or off-site, to reduce drainage flows, pollutants, and sediment loading from the development to a level not exceeding the conditions prior to development, or to a lesser level, if deemed necessary to comply with the provisions governing pollutant and sediment discharges associated with the Chesapeake Bay Preservation Act.

- (2) The plan-approving authority shall approve, or approve with modifications, only those stormwater management facilities which comply with adopted overall drainage plans and policies, if any. In this regard, the plan-

approving authority shall not generally approve, except as a temporary measure, on-site stormwater management facilities as an alternative to contributing to planned regional stormwater management systems, if and when such management system is in effect.

- (3) All management facilities shall be designed and constructed in accordance with Section 4-8 as supplemented by the latest editions of the Virginia Erosion and Sediment Control Handbook and the Department of Transportation Drainage Manual as well as regulations, or policies adopted by the Commonwealth or the County pursuant to the Chesapeake Bay Preservation Act.

b. Drainage and Conservation Easements

Where a development is traversed by a water course, drainage way, channel or stream, or where it is desirable to preserve other areas within a development because of the soil conditions, tree masses, wildlife habitat, vistas or other significant horticultural, environmental or natural features, there shall be provided a

drainage and/or conservation easement of sufficient area and width to protect and preserve the aforementioned feature, if required by the plan-approving authority. Drainage easements shall be designed and drainage structures constructed in such a manner as to reduce the burden of maintenance, yet provide adequate access for necessary maintenance.

c. Drainage of Rights-of-Way

All public rights-of-way shall be drained in accordance with the requirements of the Virginia Department of Transportation.

d. Appropriate Grading Considerations

- (1) No storm water runoff or drainage water shall be so diverted as to overload existing drainage systems or create flooding or the need for additional drainage structures on other private properties or public lands without proper and approved provisions being made for taking care of these conditions.

(2) Lots shall be graded to secure proper drainage away from buildings and prevent the ponding of stormwater unless within an approved retention or detention basin.

(3) No grading shall occur within 100 feet of any perennial watercourse or wetland except as provided for specific waterfront or water-dependent facilities or for necessary utilities and street construction.

e. Maintenance of Existing Drainage Patterns

In general, the design of a development shall be such as to minimize grading and disturbance of natural vegetation. Natural contours and storm water channels shall be respected and retained where possible.

f. Minimize Impervious Surface Areas

(1) A stormwater management plan shall preserve natural drainageways and wetlands, maximize infiltration of stormwater and minimize off-site discharge of storm water.

- (2) In general, impervious surfaces near waterfronts and wetlands shall be avoided; grass swales shall be utilized and curb and gutter and paved ditches shall be avoided except where necessary to prevent erosion in accordance with the standards of the Virginia Department of Transportation.

4-7-4 STORMWATER MANAGEMENT AREA DESIGN CONSIDERATIONS

Stormwater management areas include retention and detention basins, drainage ditches and swales, and wetlands areas. Sensitively designed basins and swales can benefit the health, safety and welfare of County residents. The integration of these areas as desirable landscape features, naturalized wetland areas, or active and passive recreation areas, in addition to their stormwater management function is strongly encouraged whenever possible.

a. Stormwater Detention Areas

One of the following landscape concepts for stormwater detention areas, or an alternative

concept complying with the standards set forth above, shall be used.

(1) Reforestation

This landscaped treatment is appropriate for detention basins and drainage areas that are not highly visible or are adjacent to areas of mature woodlands or wetlands. It reverts the disturbed area to a revegetated, stable, low-maintenance, natural landscape asset over time.

The area shall be graded creatively to blend into the surrounding landscape and imitate a natural depression with an irregular edge. This shall include gentle berming. Linear, geometric basins are unacceptable.

The quantity of trees to be planted on the interior of the basins shall be equal to the number of trees that would be necessary to provide canopy cover of the entire area to the high water line or outflow elevation. Ten percent (10%) of the trees shall be two

and one-half (2-1/2) inches to three (3) inches caliper, twenty percent (20%) shall be one (1) inch to two (2) inches caliper, and seventy percent (70%) shall be six (6) feet to eight (8) feet height whips.

Planting shall not be located within twenty (20) feet of low flow channels to allow for channel maintenance.

The trees shall be planted in groves and spaced five (5) feet to fifteen (15) feet on center.

The ground plane of the basin shall be seeded with a naturalization, wildflower, and/or meadow grass mix.

All woody and herbaceous plants shall be species indigenous to the area and/or tolerant to typical wet/dry floodplain conditions.

The perimeter area (slopes above the high water line) shall include shade trees

evergreen trees, ornamental trees, and shrubs screening drainage structures and creating visual interests in accordance with the landscaping requirements of Section 4-12-5e.

Provisions for emergency access as well as general maintenance of the basins shall be provided. Plantings shall be designed to disguise yet not hinder vehicular access.

Plantings are not permitted upon any dikes associated with a detention basin.

(2) Recreation/Open Space Feature

This landscape concept is appropriate in situations where a basin is the largest or only portion of open space in an area or is adjacent to existing open space and recreational open space is desired. It is also appropriate for smaller, highly visible basins where a visually pleasing open area is desired.

The objective in these situations is to integrate the area into the landscape using

topography and plantings in order to complement the function of the area and to provide a visually interesting landscape feature and/or recreation space.

The area shall be graded creatively to blend into the surrounding landscape and imitate a natural depression with an irregular edge. This shall include gentler berming.

Perimeter plantings shall be provided in accordance with the landscape requirements of Section 4-12-5e supplemented by vegetation to screen the view of drainage structures.

In order to provide recreational open space, concentrate frequently flooded detention in a basin area (five (5) to ten (10) year storm volume) and provide a gently sloping, less often flooded area (ten (10) to one hundred (100) year storm volume) as a recreational open field space. Provide ballfields and/or open play areas integrated with plantings in a park-like manner.

b. Stormwater Retention Areas - Open Space/Recreation Features

This landscape treatment can take on a variety of landscape forms, from formal reflecting pools and canals or entry fountain features to natural park-like lakes and ravines.

- (1) Water fountains/features are encouraged in the design of developments.
- (2) The waters edge shall be easily maintained and stable. Possible treatments might include rip-rap, stone walls, natural plantings, decking, and bulkheads.
- (3) The planting of the perimeter of the feature shall accentuate views and integrate pedestrian paths, sitting areas, and other uses.
- (4) Plantings shall include formal or informally-massed deciduous and evergreen trees and shrubs to screen and frame views with ornamental trees, shrubs, and grasses used

for visual interest or special effects. A continuous landscape area shall be provided.

(5) If used as a recreational feature, the connection to the water must be addressed and controlled. The types of uses shall be specified, and the plantings and pedestrian/vehicular parking spaces shall be integrated with these uses.

(6) Plants with pervasive root systems shall not be located where they may cause damage to drainage pipes or other underground utilities.

(7) All engineered basin structures shall be designed to blend into the landscape in terms of construction materials, color, grading, and planting.

4-7-5 STREAM AND LAKE SAMPLING

a. Pre-Development Sampling

All applicants for major plans of development on

lakes and streams shall submit at the time of submission, lake and stream samples including but not limited to:

Temperature	Nitrogen, total kjeldahl
Dissolved Oxygen	Chloride
pH	Phosphorous
Alkalinity	Fecal Coliform

(1) These tests shall be at the time of major preliminary plan of development submission and the date of the test shall be so noted.

(2) Tests shall be prepared by a qualified testing laboratory.

(3) Tests shall be taken at the intersection of any tract boundary and the inflowing streams, and at the outfall points where the water course leaves the tract.

b. Post-Development Sampling

If the development is approved and constructed, a second set of tests shall be taken by the developer at the discretion of and at a time

decided by the Land Use Administrator, but not more than two (2) years beyond the acceptance of the improvements. All results and comparisons shall be given to the Land Use Administrator for review and analysis.

4-7-6 OFF-SITE DRAINAGE COSTS

a. Applicability

The developer shall be required to pay a pro rata share of the cost of providing reasonable and necessary drainage improvements located outside of the property limits of land owned or controlled by him whenever all of the following conditions exist:

- (1) The plan-approving authority determines that such off-site improvements are necessitated at least in part by the construction or improvement of the development.
- (2) The County has established a general drainage improvement program for an area having related and common drainage conditions. The

developer's property is located within the designated area covered by this program.

(3) The estimated cost of the total drainage improvement program has been determined.

(4) The estimated storm water runoff has been established for the designated area served by such program.

b. Cost Determination

The developer's share of the estimated cost of improvements shall be limited to the proportion of such estimated cost which the volume and velocity of storm water runoff to be caused by his development bears to the total estimated volume and velocity of runoff from such area in its fully developed state.

c. Payment Provisions

Any cash payment received by the County shall be expended only for construction of those facilities identified in the established drainage facilities improvement program and until so expended, shall

be held in a separate account for the individual improvement program.

4-8 EROSION AND SEDIMENT CONTROL

4-8-1 PURPOSE

The purpose of this Section is to conserve the land, water, air and other natural resources of Richmond County and promote the public health and welfare of the people of Richmond County by establishing requirements for the control of erosion and sedimentation, and by establishing procedures whereby these requirements shall be administered and enforced.

This Section is authorized by the Code of Virginia, 1950, as amended, Title 10, Chapter 5, Article 4, (Section 10.1 560-571), known as the "Erosion and Sediment Control Law".

4-8-2 PLAN OF DEVELOPMENT SUBMITTAL REQUIREMENTS

a. Preliminary plans

As part of the plan of development process, the applicant may submit a preliminary erosion and

sediment control plan for the purpose of discussion and advice. The preliminary plan should not be cluttered with detailed control measures but might contain only the following information:

- (1) all major soil types;
- (2) approximate limits of clearing and grading;
- (3) tentative means of erosion and sediment control;
- (4) phasing of development to minimize area and duration of exposure;
- (5) contour lines.

b. Final Plans

The applicant shall submit five (5) copies of black or blue-line plans along with an application available from the Land Use Administrator. The final plan shall consist of the narrative and plan

map as described in Chapter 6 of The Virginia Erosion and Sediment Control Handbook.

- (1) The plan map shall be prepared at a scale of not less than 1" = 100' or as accepted by the Land Use Administrator and shall incorporate good engineering practices designed according to The Virginia Erosion and Sediment Control Handbook guidelines as well as the Department of Transportation's Drainage Manual, where appropriate.
- (2) The plan map shall contain all information necessary for carrying out the conservation measures and shall also include a scale, north arrow, date, owners of record, engineers certificate (if required), approval signature block, key map at a scale of no less than 1" = 2000', and contour lines.
- (3) The map will show other information as required by the Land Use Administrator.
- (4) The plan preparer will be responsible for guiding the contractor toward properly

implementing the plan on all land-disturbing activities where the cost of implementation is expected to exceed \$25,000.

4-8-3 GENERAL REQUIREMENTS

a. Applicability

Any land disturbance in excess of 2,500 square feet may result in soil erosion from water or wind and the movement of sediments into State waters. These activities include, but are not limited to, clearing, grading, excavating, transporting and filling of land.

b. Exemptions

The following land disturbing activities are exempt from the provisions of this section.

(1) Minor land disturbing activities such as home gardens and individual landscaping, repairs and maintenance work.

(2) Individual service connections.

(3) Installation, maintenance or repair of any underground public utility lines when such activity occurs on an existing hard-surfaced road, street or sidewalk provided the land-disturbing activity is confined to the area of the road, street or sidewalk which is hard-surfaced.

(4) Surface ^{of} mining activities.

(5) Exploration or drilling for oil and/or gas, including the well site, roads, feeder lines and off-site disposal areas.

(6) Tilling, planting, or harvesting of agricultural, horticultural, or forest crops or livestock feedlot operations.

(7) Agricultural engineering operations, including but not limited to the construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the Dam Safety Act, Chapter

8.1 (Section 62.1-115.1 et. seq.), ditches, strip cropping, lister furrowing, land drainage and land irrigation;

- (8) Disturbed land areas of less than 2,500 square feet in size;
- (9) Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;
- (10) Shore erosion control projects on tidal waters when the projects are approved by the Richmond County Wetlands Board, the Virginia Marine Resources Commission and the U.S. Army Corps of Engineers;
- (11) Emergency work and repairs to protect life, limb or property, however, if the land-disturbing activity would have required an approved erosion and sediment control plan, or the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the Land Use Administrator.

c. Criteria, Standards and Specifications for the Preparation of an Erosion and Sediment Control Plan

- (1) Persons submitting plans in accordance with this Section shall be governed by the criteria, standards and specifications established in Chapter 6 of The Virginia Erosion and Sediment Control Handbook. In the case of a land-disturbing activity for the construction of a single family dwelling, the Land Use Administrator may waive the requirement for a full erosion and sediment control plan as set forth in this Ordinance. In the case of granting of such a waiver by the Land Use Administrator, an Agreement in Lieu of an Erosion and Sediment Control Plan, which is signed by the applicant and approved by the Land Use Administrator, shall constitute authorization under this Ordinance to conduct land-disturbing activity allowed by that Agreement. Such agreement shall set forth all conservation measures to be carried out and maintained, shall grant right-of-entry to the Land Use Administrator and his

designees, and shall make the project subject to all review, inspection, and enforcement provisions of this Ordinance which apply to approved erosion and sedimentation control plans.

d. Plan Review

(1) The Land Use Administrator has been designated as the plan-approving authority for the County. The Northern Neck Soil and Water Conservation District may be called on by the to conduct a non-binding review of any plan. In reviewing plans, the Land Use Administrator may also seek or receive recommendations or comments from the Virginia Department of Transportation, the Health Department and such other agencies that are deemed to have some responsibility in this area.

(2) The Land Use Administrator shall, within 45 days, approve any erosion and sediment control plan submitted to him if he determines that the plan meets the

conservation standards of the local control program and if the person responsible for carrying out the plan certifies that he will properly perform the erosion and sediment control measures included in the plan and will comply with the provisions of this Ordinance.

- (3) When a plan is determined to be inadequate, the Land Use Administrator, within 45 days of receipt, shall give written notice of disapproval stating the specific reasons for his disapproval. The Land Use Administrator shall specify such modifications, terms and conditions as will permit approval of the plan and shall communicate these requirements to the applicant. If no action is taken by the Land Use Administrator within the time specified above, the plan shall be deemed approved and the person shall be authorized to proceed with the proposed activity.
- (4) An approved plan may be changed by the Land Use Administrator in the following cases:

Where inspection has revealed the inadequacy of the plan to accomplish the erosion and sediment control objectives of the Ordinance, plan changes can be required without approval of the person responsible for carrying out the plan in order to comply with The Virginia Erosion and Sediment Control Handbook, which is assumed to be an integral part of every plan; or

Where the person responsible for carrying out the approved plan finds that because of changed circumstances or for other reasons, the approved plan cannot be effectively carried out, and the proposed amendments to the plan, consistent with the requirements of this Ordinance, are agreed to by the Land Use Administrator and the person responsible for carrying out the plan.

e. Issuance of grading, building or other permits.

- (1) The Building Official or any other agency authorized under any other law to issue building or other permits for land-disturbing activities shall not issue such permits unless:

The applicant submits with his permit application the approved erosion and sediment control plan; or

There is a Certificate of Compliance from the Land Use Administrator or sufficient evidence that a plan was submitted and no action was taken within forty-five days; or

There is certification from the Virginia Division of Soil and Water Conservation that the plan has been approved. (A plan for which land-disturbing activities involve lands under the jurisdiction of Richmond County and one or more other localities may, at the option of the applicant, be submitted to the Virginia Division of Soil and Water

Conservation for review and approval, rather than submission to each jurisdiction concerned. However, if the applicant chooses to submit his plans to the Virginia Division of Soil and Water Conservation rather than the local jurisdiction, he shall notify, by certified mail, the Land Use Administrator of his intention at the same time of submittal.);

A performance bond has been submitted to and accepted by the County (single family dwellings constructed with an approved plan are exempt from this requirement).

- (2) When the Land Use Administrator does not have documentation in hand that the person responsible for carrying out the plan has certified that he will properly perform the control measures included in the plan, the Land Use Administrator shall withhold

issuance of a Certificate of Compliance until he has obtained the certification of performance.

f. Erosion and Sediment Control Agreement

A legal instrument shall be executed by each applicant for an approved erosion and sediment control plan to provide right-of-entry (after notice in writing) by the appropriate persons for the purpose of inspection, monitoring, and installation, or maintenance of erosion and sediment control measures in the event the applicant fails to comply with the approved plan.

4-9 SIGNS

4-9-1 PURPOSE AND INTENT

It is the purpose and intent of this Section to preserve the natural landscape and regulate and restrict unsightly and detrimental signs which would tend to depreciate the value of property and hinder progressive improvements in Richmond County, and lessen, eliminate, and regulate signs constituting an actual or potential hazard to safe motor vehicle operation. The regulation of the location, size, placement and certain features of signs is also necessary to enable the public to locate goods, services and facilities without difficulty and confusion, and to prevent wasteful use of natural resources in competition among businesses for attention.

4-9-2 PLAN OF DEVELOPMENT SUBMITTAL REQUIREMENTS .

Each plan of development application or request for a Certificate of Compliance/Building Permit to erect or alter a sign shall include a sign plan showing the

specific design, location, size, area dimensions, height, construction, and the method of illumination of proposed signs in accordance with the following regulations.

4-9-3 GENERAL REQUIREMENTS

a. Permit Required

No sign, unless herein exempted, shall be erected, constructed or altered until a Certificate of Compliance has been issued by the Land Use Administrator and a Building Permit has been issued by the Building Official. Signs shall be in accordance with all the requirements of the Virginia Uniform Statewide Building Code. Applications are available from the Land Use Administrator. This provision shall not be construed to require a permit for the normal maintenance of existing signs, nor for the replacement of any interchangeable copy.

b. Interpretation

Any sign for which the purpose, location or type is not clearly permitted or prohibited by this

Article shall be considered as being a sign of the most closely resembling purpose, function or type as established by this Ordinance.

~~c. Sign Permits Require a Valid Business License~~

~~No signs shall be permitted in conjunction with any business activity not possessing a valid business license issued by Richmond County.~~

d. Maintenance

All signs and supports shall be maintained in good repair and in a safe, clean, and attractive condition. No person may erect or maintain a sign which:

- (1) is structurally unsafe;
- (2) constitutes a hazard to public safety and health by reasons of inadequate maintenance, dilapidation or abandonment;
- (3) obstructs free entrance or exit from a required door, window, or fire escape;
- (4) obstructs light or air or interferes with proper functioning of the building; or
- (5) is capable of causing electrical shock.

e. Freedom of Expression

Any sign, display, or device allowed under this ordinance may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for profit or to a commodity or service for sale, and that complies with all other requirements of this Ordinance.

f. Consistent Design Theme

There should be a consistent sign design theme throughout a particular project. The design theme would include style of lettering, construction, material, type of pole or standard, (wood or metal, for example), size, and lighting. Color of letters and background should be carefully considered in relation to the color of the material of buildings or where the signs are proposed to be located. Signs should be a subordinate rather than a predominant feature of a site.

a. Measurement of Sign Area

- (1) Sign measurement shall be based upon the entire area of the sign, with a single continuous perimeter enclosing the extreme limits of the actual sign surface.
- (2) For a sign painted on or applied to a building, the area shall be considered to include all lettering, wording and accompanying designs or symbols, together with any background of a different color than the natural color, or finish material of the building.
- (3) For a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall, or window, the area shall be considered to be that of the smallest rectangle or other shape which encompasses all of the letters and symbols.

(4) The area of supporting framework (for example brackets, posts, etc.) shall not be included in the area if such framework is incidental and not an extension of the sign display.

(5) When a sign has two (2) or more faces, the area of all faces shall be included in determining the area, except where two faces are placed back to back and are at no point more than two (2) feet from each other. In this case, the sign area shall be taken as the area of either face, and if the faces are unequal, the larger shall determine the area.

b. Individual Letters or Symbols

Individual letters or symbols may be attached to an awning, marquee, building surface, wall, or signboard. However,

(1) Letters or symbols shall not project more than twelve (12) inches from the building surface.

(2) Such letters and symbols shall not obscure the architectural features of the building to which they are attached.

(3) Such letters and symbols shall not extend above the lowest part of the roof, nor beyond the ends of the wall to which they are attached.

(4) Letters or symbols shall have an aggregate area not exceeding 1.5 square feet for each foot of building face parallel to a street lot line, or ten percent (10%) of the wall area to which they are affixed, whichever is less. When a lot fronts on more than one street, the aggregate sign area facing each street frontage shall be calculated separately.

c. Measurement of Height

The height of any sign shall be measured from the surface of the road up to the highest point of the sign. In situations where a sign is intended to be visible from two roads of different elevations,

measurement shall be from the surface of the lower roadway.

4-9-5 ILLUMINATION STANDARDS

a. Controlled Illumination

The light from any illuminated sign shall be shaded, shielded and directed so that the light intensity or brightness shall not adversely affect surrounding or facing premises nor adversely affect safe vision of operators of vehicles moving on public or private roads, highways, and parking areas. Light shall not shine or reflect in an offensive manner on or into residential structures or motels.

b. Exposed Lights Not Permitted

No exposed reflective type bulbs or incandescent lamps shall be used on the exterior surface of any sign in such a manner that they will result in offensive glare on adjacent property or create a traffic hazard.

c. Flashing and Moving Signs Not Permitted

No person may erect a sign which flashes, rotates, or has motorized moving parts.

d. Exposed Wires Not Permitted

No person may erect a sign with exposed electrical wires.

e. Strings of Bulbs Restricted

Strings of bulbs are not permitted, except as part of a holiday celebration. In addition, strings of bulbs may however be permitted to decorate trees as part of a holiday celebration, provided that such display does not interfere with neighboring land uses or vehicular safety.

f. Signs May be Illuminated Only During Business Hours

No sign shall be illuminated between the hours of 11 p.m. and 6 a.m. unless the premises on which it is located is open for business.

PLACEMENT STANDARD

a. No Signs on Natural Objects, etc.

No person may erect a sign which is affixed to a fence, utility pole, or structure, or tree, shrub, rock, or other natural object.

b. Roof Mounted Signs Not Permitted

Signs shall not be mounted on roofs or extend above the lowest part of the roof.

c. Signs in Right of Way Restricted

No projecting sign shall extend into a vehicular portion of a right of way, or be less than eight (8) feet above a pedestrian way when attached to a building facade.

d. Official Traffic Signs Only in Right of Way

No sign, other than an official traffic sign approved and/or installed by the Virginia Department of Transportation, shall be located so as to be within any public right of way.

e. Free Standing Sign Setback Requirement

Free-standing signs shall be located no closer than ten (10) feet to a public right of way.

f. No Sign in Prescribed Site Triangle

No sign shall be erected within the area encompassed by a triangle composed of two (2) twenty (20) foot legs measured from the point of intersection of the street right of way line and the intersecting right of way line, as well as the intersecting line formed by the curb line or pavement line of driveways or entrances to an intersecting right of way line, unless such sign is less than three (3) feet in height; or, the aggregate width of the faces of any supporting structures for such sign is less than twelve (12) inches.

g. Height Restriction

No sign together with any supporting framework shall extend to a height above the height of the building.

h. Building Architectural Integrity Maintained

Signs shall not cover architectural details such

as, but not limited to arches, sills, moldings, cornices, and transom windows.

4-9-7 GENERAL STANDARDS FOR SPECIFIC TYPES OF PERMITTED SIGNS

a. Awning Signs

A sign painted on or attached to the cover of a movable metallic frame, of the hinged, roll, or folding type of awning is considered an awning sign.

- (1) Such sign must be painted on or attached flat against the surface of the awning, but not extend beyond the valance or be attached to the underside.
- (2) Letters shall not exceed ten (10) inches in height.
- (3) A minimum of eight (8) feet above sidewalk level must be maintained for pedestrian clearance.

b. Free Standing Signs

A self-supporting sign in a fixed location not attached to any building, wall, or fence is considered a free standing sign.

(1) This does not include portable or trailer type signs which are not permitted.

(2) Dimensional standards for free-standing signs in different sign districts are specified in Exhibit __, which relates sign requirements to the character and road speed of each area.

(3) A landscaped planting area shall be provided around the base of any free-standing sign in commercial roadside and scenic roadside sign districts. Said planting area shall contain four (4) square feet for each one (1) square foot of sign area, be a minimum of six feet (6') in width, be protected from vehicular encroachment, and be landscaped with a combination of low-growing shrubs and ground cover (other than grass), including at least six (6) shrubs. The planting of annuals/perennials for accent color is

encouraged. The landscape treatment shall be designed and maintained so as not to interfere with the visibility of vehicular traffic.

(4) Free stnading signs shall be illuminated with only steady, stationary, shielded light sources directed solely onto the sign without causing glare.

(5) Internal illumination is generally discouraged, and is only permitted within commercial roadside signing districts.

(6) Free standing signs can either be pole mounted or be a prestige ground sign.

(7) Menu boards not exceeding twelve (12) square feet commonly used by drive through establishments are permitted and such area shall not count toward the business' permitted sign area so long as the menu board is not visible from a public right of way.

(8) Entrance signs for residential developments are permitted so long as they comply with the dimensional requirements of the sign district in which they are located.

(9) The display of internally-illuminated plastic signs with dark-colored moveable letters shall be strictly prohibited in all districts except on menu boards described in subsection (7) above. Moveable rented signs of this nature are not permitted.

c. Landmark Signs

An older sign of artistic or historic merit, uniqueness or extraordinary significance to the County as determined by the Land Use Administrator is considered a landmark sign. The character of such signs warrants their preservation in original condition, or their restoration. The maintenance and/or repainting of a landmark sign is permitted even if the sign pertains to a business no longer located within the building or if it exceeds the maximum permissible sign area.

d. Marquee Signs

A sign painted on, attached to, or consisting of an interchangeable copy reader, on a permanent overhanging shelter which projects from the face of a building is a marquee sign.

(1) Such signs may be painted on or attached flat against the surface of, but not extending beyond or attached to the underside of the overhang.

(2) Letters or symbols shall not exceed twelve (12) inches in height.

(3) A minimum clearance of ten (10) feet above the sidewalk level must be allowed for pedestrian clearance.

e. Multiple Signs

A group of signs clustered together into a single sign structure or compositional unit is a multiple sign. Multiple signs are used to advertise several occupants of the same building or building complex.

(1) The display board shall be an integrated and uniform design.

(2) The maximum sign area permitted is sixteen (16) square feet for the sign bearing the name of the building or office park, and two (2) square feet for the name of each business or office located there.

f. Neon Window Signs

Neon window signs may be permitted in cases where they are custom designed to be compatible with the building's historic and/or architectural character, and/or where their color has been selected to harmonize with the building's exterior colors or design theme.

g. Painted Wall Signs

A permanent mural or message painted directly onto a building surface is a painted wall sign. These signs shall comply with the dimensional requirements of a wall sign.

h. Projecting Signs

A wall-mounted sign perpendicular to the building surface is a projecting sign.

- (1) If flat, each face shall not exceed ten (10) square feet.
- (2) The total area of a three dimensional sign shall be determined by enclosing the largest cross-section of the sign in an easily recognizable geometric shape and computing its area which shall not exceed nine (9) square feet.
- (3) Such sign shall be hung at right angles to the building and shall not project closer than two (2) feet to the curb line.
- (4) The supporting framework shall be in proportion to the size of such sign.
- (5) Signs which overhang a public walkway shall be covered by a public liability insurance policy which names the County as an insured party.

(6) The top of the sign may be suspended in line with one of the following, whichever is the most successful application of scale, linear continuity, and visibility as determined by the Land Use Administrator:

- i. between the bottom sills of the second story windows and the top of the doors and windows of the ground floor; or,
- ii. the lowest point of the roof of a one story building.

(7) Projecting signs shall have a minimum clearance of eight (8) feet above grade when located adjacent to or projecting over a pedestrian way. If projecting over a driveway, the clearance must be at least thirteen (13) feet.

1. Time-Temperature Sign

A sign which conveys information about time and/or temperature by words, letters, or pictures and which are not in motion is a time-temperature sign.

- (1) Such signs shall not change the time-temperature message more often than once every six (6) seconds.
- (2) Such signs shall not be calculated as part of the area of a sign.
- (3) No more than one such sign shall be located within one linear mile of another like sign along the same roadway.

j. Wall Signs

A sign which is attached parallel to the exterior surface of a building or structure is considered a wall sign.

- (1) Such sign shall not obscure architectural features of the building, such as arches, sills, moldings, cornices, and transoms.
- (2) Such sign shall not extend above the lowest point of the roof, nor beyond the ends of the wall to which it is attached.

(3) Such signs shall have an aggregate area not exceeding 1.5 square feet for each linear foot of building face parallel to a street lot line, or ten percent (10%) of the wall area to which it is attached, whichever is less. Where a lot fronts on more than one street, the aggregate sign area facing each street frontage shall be calculated separately.

(4) Where two (2) or more wall signs are affixed to one wall, the total display area shall be the sum total area of all signs.

(5) Wall signs shall not extend higher than the eave line or top of the parapet wall of the principal building.

(6) No part of a wall sign, including the display surface, shall extend more than six (6) inches from the building surface.

4-9-8

SIGN DISTRICTS AND SPECIAL REGULATIONS

A sign district map is made a part of this Ordinance and is available for review in the Office of the Land Use Administrator.

a. Types of Districts

(1) Village Center: The village center generally contains a mix of residential and commercial building uses. Sharps and Farnham are representative of districts of this nature.

(2) Commercial Roadside: Concentrated commercial development along roads leading to and from village centers.

(3) Scenic Roadside: A combination of limited commercial development and scattered residential areas but characterized largely by open space, fields, and long scenic views.

b. District Requirements

(1) Village Center: Within this district the intent of the sign regulations is to ensure visual compatibility with the scale and character of the area. The signage is designed to be readable by pedestrians and people in slow-moving vehicles.

Number: There shall be no more than three (3) types of signs employed per building, regardless of number of occupancies. (e.g. free-standing, awning, window; or wall, window and awning). Each ground floor occupant of a building may display up to two (2) types of signs. Each occupant in an upper level of a building may display only one sign.

Materials: All signs shall be made of wood or metal. If plywood is to be used, it must have exceptionally smooth and weather resistant surfaces, such as those obtained with medium-density overlay ("MDO") board.

Location:

- Signs should be concentrated near the pedestrian level.
- The upper facades of buildings should not be cluttered with signs.
- Signs shall not obscure important architectural details or features such as windows, transom panels, sills, moldings, and cornices.
- Wall signs identifying commercial establishments shall generally be placed within an information band immediately above the storefront. The information band should be confined to the vertical distance separating windows on the ground and the second floors, or should be no more than two (2) feet in height, whichever is lesser.
- Signs on adjacent storefronts within the same building shall be coordinated in height and proportion, and should be encouraged to use the same signing format.

Size: The size of signs is restricted to ensure that signs do not overpower the facades to which they are affixed. Not more than one and a half square feet (1.5 sq. ft.) of total signage area will be permitted per linear foot of storefront.

Preferred Sign Types:

- Multiple sign
- Wall
- Window
- Projecting
- Awning
- Time-Temperature
- Neon
- Landmark
- Marquee

- (2) Commercial Roadside - The goal in this district is to provide legible signage for auto-oriented commercial facilities, while moderating visual competition.

Number: There shall be no more than three (3) types of signs employed per building (e.g. free-standing, wall, window). There shall be no more than three (3) separate signs per occupancy.

Materials: The use of wood and metal signs is strongly encouraged.

Location: Signs should be located where they can be most easily read, thus reducing the size needed for legibility.

Size: Due to the traffic speed, and the larger setbacks common in this type of district, larger free standing signs than in Village Centers are permissible. (see Exhibit ____)

Preferred Sign Types:

- Wall
- Free-standing, prestige ground sign

- (3) Scenic Roadside - The most important goal in this sign district is to maintain the rural character and scenic open spaces of Richmond County. The significant historic and rural landscape pattern found within scenic roadside districts form the essence of the existing visual quality of the scenic roadside. Special care shall be taken with

the style, quality, location, design, and use of materials for signs.

Number: Each business may display not more than two (2) signs. Only ~~display~~ one (1) free-standing sign per business parcel is permitted.

Materials: Signs in this district shall be of wood or metal. Interior lit signs are strictly prohibited.

Location: As in Commercial Roadside Districts, signs should be placed in clear view of traffic to minimize their required size.

Size: Free standing signs in this district are smaller than in Commercial Roadside Districts (see Exhibit ____) given the natural character of the district and the scarcity of sign users.

EXHIBIT _____
FREE STANDING SIGNS

	<u>Commercial I Roadside</u>	<u>Village Center</u>	<u>Scenic Roadside</u>
Typical Speed Limit	35-55	less than 35	35-55
Free Standing Signs			
Height (feet)	10	6	10
Area (sq. ft.)	24	12	16
Ground Clearance (min. feet)	0	0	0

Preferred Sign Types:

- Free-standing
- Wall
- Awning

4-9-9 EXEMPT SIGNS

Building permits shall not be required for the following signs although the Land Use Administrator will, at no charge, provide a Certificate of Compliance review.

a. Address and Name of Resident

Signs indicating address and/or name of residential occupants of the premises, not exceeding two square feet in area, and not including any commercial advertising or identification.

b. Artwork

Works of art that do not include any commercial messages or references.

c. Community Entrance Signs

Including a sign sponsored by the Chamber of Commerce or civic associations provided it complies with the free standing sign dimensional requirements of the sign district in which it is located.

d. Decals

Certain decals affixed to windows or door glass panes, such as those indicating membership in a business group or credit cards accepted within the business establishment.

e. Directional Signs

Signs giving on-site directional assistance for the convenience of the public, not exceeding two square feet in area or located closer than five feet to any property line or within a site triangle area. Directional signs may be internally lit or illuminated by white light only.

f. Flags, Emblems, and Insignia

Flags, emblems or insignia of any governmental agency or religious, charitable, public or non-profit organization, subject to the following.

(1) No single flag that is flown shall exceed 40 square feet in area and no more than three such flags shall fly on any single lot. If the total area of such flags exceeds 72 square feet, the excess area shall be included in the sign area calculations for the business parcel.

(2) Flagpoles shall not exceed 25 feet in height. Wall-mounted flags, emblems, or insignia shall be limited to one per business parcel and shall not exceed 40 square feet in area.

g. Handicapped Parking Space Sign

Signs not exceeding two square feet in area reserving parking spaces for handicapped motorists.

h. Home Occupation Sign

On-premise identification signs for home occupations shall not exceed two square feet in area and shall contain only the name of the business and/or business owner. Such signs shall

be located on an exterior wall, window, or door of the premises.

i. Interior Sporting Event Sign

Signs and scoreboards located within a ball park or other similar public or private recreational area and which are not legible from a public street or adjacent properties.

j. Interior Window, Temporary

Signs displayed temporarily in the windows of commercial and industrial establishments, however, such signs shall not occupy more than twenty-five (25) percent of the total area of the window in which they are displayed.

k. Machinery and Equipment

Signs attached to machinery or equipment which is necessary or customary to a business including, but not limited to, devices such as gasoline pumps, vending machines, ice machines, etc. provided that such signs refer exclusively to products or services offered on the premises and are less than two (2) square feet per device.

1. Moveable Sign, Temporary

Menu boards which are either free-standing or wall signs designed as an outdoor means to provide information on food and beverages, etc. offered on the premises, provided:

(1) such signs are not legible from any vehicular public right-of-way but instead are oriented to pedestrians;

(2) do not exceed four (4) square feet in height; ^{NRSA}

(3) only one such sign shall be permitted per business.

m. Memorial

Memorial signs or tablets, cornerstones or names of buildings when cut into masonry or when constructed of bronze or other non-combustible material, but not to exceed six (6) square feet in area.

n. Political, Temporary

(1) Political campaign signs must not exceed twenty (20) square feet in area and shall not be illuminated.

(2) Political campaign signs shall be confined to private property and shall not be affixed to any public structure.

(3) These signs may be displayed no sooner than forty-five (45) days prior to an election and must be removed within fifteen (15) days after the election.

o. Private Drive Signs

On-premise private drive signs limited to one per drive entrance, not exceeding two square feet in area, with language limited to the words "Private Drive" and the address of any residences utilizing the private roadway.

p. Public Signs

Signs erected by government agencies or utilities including traffic, utility, safety, and identification signs for public facilities (public buildings, rest rooms, telephone), and any signs

erected by the Board of Supervisors or under the direction of the Board or as required by this Ordinance.

q. Religious Bulletin Boards

Bulletin boards for churches and other permanent places of worship, when located on the same premises as the building to which they refer, and provided that such sign(s) is wall mounted and does not exceed twelve (12) square feet in area and six (6) feet in height. If such sign is a free-standing or illuminated sign, a Building Permit shall be required.

r. Special Notice Placards

Special notice placards, not to exceed four (4) square feet in area (accumulative for the establishment), attached to a building or to a free-standing sign indicating credit cards which are accepted on the premises, group affiliations of which the business is a member, or clubs or groups which utilize, recommend, inspect or approve the business for use by its members. A permit shall be secured however for any illuminated signs.

s. Security and Warning Signs

On-premise signs regulating the use of the premises, such as "no trespassing", "no hunting" and "no soliciting", provided these signs do not exceed two square feet.

t. Temporary Real Estate Signs

Temporary signs which indicate the availability of real property for lease or sale, located on the premises being leased or sold.

(1) Display of such signs shall be limited to one per property not exceeding six feet in height and not exceeding four square feet in area in residential areas and eight square feet in other areas.

(2) Such signs shall be removed within seven days of settlement or lease of the property.

u. Vehicular Inspection

Non-illuminated signs identifying official State automobile inspection stations and the inspection number which is due.

(1) Such signs shall not exceed sixteen (16) square feet in area and shall be limited to one sign for each street frontage.

(2) "A-frame" designs shall be considered as a single sign for the purposes of this section.

v. Yard Sale/Car Wash

Non-illuminated signs and posters of less than four (4) square feet in area advertising or providing directions to a residential or civic/community-sponsored yard sale, garage sale or car wash.

4-9-10 TEMPORARY SIGNS REQUIRING A SIGN PERMIT

The following signs may be erected only after obtaining a temporary permit from the Land Use Administrator. The permit shall cite the length of time the sign may be displayed. If any temporary sign is not removed by the expiration of the appropriate time limit noted in this section, the Administrator may remove it and

charge the costs of removal to the individual or enterprise responsible.

a. Special Event Signs

Signs announcing special events including, but not limited to, auctions, grand openings, new management, going out of business, and events sponsored by religious, charitable, or public service groups.

- (1) Any business, individual, or organization may display a maximum of two signs for up to 14 days prior to a special event once in any 12-month period.
- (2) Such signs shall be attached to buildings or existing private sign structures or sign posts with the permission of the owner.
- (3) These signs shall not exceed 16 square feet in area each and shall be removed immediately following the event.

b. Temporary Farm Products Signs

Temporary on-premise signs announcing the availability of seasonal farm products. The number of signs shall not exceed two and the total area of all such signs shall not exceed 20 square feet, nor shall any sign exceed six feet in height.

c. Construction Signs

Temporary signs announcing new buildings or projects, permitted to be erected only after the commencement of building construction or site development.

(1) Each construction site shall be limited to one construction sign not exceeding 12 square feet in area and 8 feet in height.

(2) These signs shall be removed by the time a permanent sign is erected or a certificate of occupancy for the building is issued, whichever occurs first.

4-9-11 PROHIBITED SIGNS

The following are expressly prohibited unless specifically stated otherwise in this Ordinance:

a. Animated and Moving Signs

Including, but not limited to, pennants, flags with commercial messages, banners, streamers, propellers, discs, and searchlights.

b. Billboards

Any sign which is not located on the premises that it identifies or advertises.

c. Flashing Signs

Any signs that include lights which flash, blink, or turn on and off intermittently, not including time and temperature signs.

d. Glaring Signs

Signs with light sources or reflectivity of such brightness that constitute a hazard or nuisance as determined by the Land Use Administrator.

e. Inflatable Signs and Objects

Including, but not limited to, balloons.

f. Portable Signs

Any sign that is not permanently affixed to a building, structure, or the ground unless otherwise specifically provided for in this Ordinance.

g. Posters and Handbills

Any signs affixed to trees or other natural vegetation, rocks or utility poles.

h. Roof Signs

Any signs which are erected on a roof or which extends above the lowest point of the roof of the building on which the sign is erected.

i. Simulated Traffic Signs and Obstructions

Any sign which may be confused with or obstruct the view of any authorized traffic sign or signal, obstruct the sight distance triangle at any intersection, or extends into the public right-of-way.

j. Strings of Lights

Including lights that outline property lines, sales area, or any portion of a structure, and are intended to advertise or draw attention to a business or commercial activity, except lights which are a part of a holiday celebration.

k. Vehicular Signs

Any sign displayed on a parked vehicle, where the primary purpose of the positioning of the vehicle is to advertise a product or business or to direct people to a business or activity. For the purposes of this Ordinance, vehicular signs shall not include business logos, identification, or advertising on vehicles primarily used for other business purposes.

4-9-12 NONCONFORMING SIGNS

Any sign which does not conform to these provisions on the date this Ordinance is enacted or any date on which this Ordinance is amended, and any sign which advertises a nonconforming use, shall be deemed a nonconforming sign. No nonconforming sign shall be

enlarged, extended, structurally reconstructed or altered in any manner, except that a sign face may be changed so long as the new face is equal to or reduced in height, sign area, and/or projection and a building permit is issued for the sign face change.

4-9-13 EXPIRATION OF PERMITS FOR SIGNS

If an approved sign is not erected within a period of 12 months from the date the permit was originally issued, the permit shall expire and become null and void.

4-9-14 REMOVAL OF ILLEGAL OR DANGEROUS SIGNS

- a. Illegal Signs: The Land Use Administrator may remove or order the removal of any sign not in conformance with the provisions of this Ordinance, at the expense of the sign owner.

- b. Immediate Peril: A sign shall be removed immediately if the Land Use Administrator finds the sign to be an immediate peril to persons or property. If the Land Use Administrator cannot locate the sign owner or lessor of the sign for immediate removal of the sign, he shall remove or order the removal of the sign at the expense of the sign owner or lessor.

4-10 LIGHTING

4-10-1 PURPOSE AND INTENT

The purpose and intent of this Section is to ensure that lighting is provided in order to facilitate the safe and secure movement of motor vehicles, bicycles and pedestrians, as well as to provide for the security of buildings and personal property.

4-10-2 PLAN OF DEVELOPMENT SUBMITTAL REQUIREMENTS

In connection with every major subdivision or major site plan, the applicant shall submit plans for all proposed exterior lighting. These plans shall include the location, type of light, radius of light, manufacturer's specification sheet and intensity in footcandles.

4-10-3 GENERAL REQUIREMENTS

A. Maximum Height

The maximum height of light standards shall not exceed the maximum building height permitted, or 25 feet, whichever is less.

b. Lights Shall be Shielded

The height and shielding of lighting standards shall provide proper lighting without hazard to drivers or nuisance to adjacent residents, and the design of lighting standards shall be of a type appropriate to the development in which they are proposed.

4-10-4 LIGHTING WITHIN PUBLIC RIGHTS-OF-WAY

a. When Required

Lighting shall be provided in accordance with a plan designed by Virginia Power or using the guidelines shown on Exhibit _____. The use of lighting within public rights-of-way is at the discretion of the applicant, unless required by

the Virginia Department of Transportation or the plan-approving authority when deemed necessary to ensure the safety of the travelling public.

b. Installation Standards

Unless otherwise approved by the plan-approving authority, street lights shall conform with the following standards:

(1) All fixtures and mounting devices shall be architecturally compatible with the subdivision. In this regard, "cobra-head" or other fixtures with a horizontal extension between the mounting pole and the luminaire of more than eighteen inches (18") shall not be approved in residential areas.

(2) On access, subcollector, and minor collector streets, mounting poles shall be installed not less than nine and one-half feet (9.5') nor more than twelve feet (12') from the edge of pavement and property lines or the intersection of property lines on corner lots.

(3) The lighting plan shall be designed to illuminate roads, intersections and pedestrian facilities constructed within and along the boundaries of the development.

(4) Luminaires shall be installed so as to reduce or prevent direct glare into dwellings.

4-10-5 LIGHTING WITHIN PARKING AREAS AND ADJACENT WALKWAYS

All parking areas and appurtenant walkways, bikeways and driveways serving commercial, public, office, industrial, multi-family, mobile home park, or other similar uses, having common off-street parking and/or loading areas, and/or common pathways shall be adequately illuminated for security and safety purposes. The lighting plan shall provide for nonglare, color-corrected lights focused downward, and be consistent with the guidelines shown on Exhibit ___, as well as the standards listed below.

a. Cone of Illumination Standard

All lights shall be shielded to restrict the

maximum apex angle of the cone of illumination to one hundred fifty (150) degrees.

b. Shielding of Lights Near Residences

Where lights along property lines would be visible to adjacent residents, the lights shall be appropriately shielded. Such shielding may include berming, landscape material, and decorative fencing.

c. Lights Out Provision

Site lighting, other than that needed for security purposes, shall be set on a timer system that shuts off all but security lighting of the site by 11:00 p.m.

d. Spotlights Not Recommended in Certain Circumstances

Spotlight-type fixtures attached to buildings and visible to the public shall be avoided.

e. Lighting at Points of Vehicular Conflict

Lighting shall be located along driveways, where driveways intersect public rights-of-way, parking areas, and where various types of circulation

systems merge, intersect, or split. Free-standing lights shall be so located and protected to avoid being damaged by vehicles.

f. Lights in Pedestrian Areas

Pathways, sidewalks and trails shall be lighted with low pedestrian level or mushroom type light standards. Stairways, sloping or rising paths, and building entrances and exits shall be illuminated.

EXHIBIT _____
ILLUMINATION GUIDELINES FOR STREET, PARKING,
AND PEDESTRIAN AREAS

Rights of Way

<u>Street Hierarchy</u>	<u>Area Classification</u>	
	<u>Commercial</u> (Footcandle)	<u>Residential</u> (Footcandle)
Collector	1.2	0.6
Minor-Residential		
Subcollector	0.9	0.4
Local	0.6	0.4
Intersections	3.0	3.0

Parking Lots

<u>Level of Activity</u>	<u>Vehicular</u> <u>Traffic</u> (Footcandle)	<u>Pedestrian</u> <u>Safety</u> (Footcandle)	<u>Pedestrian</u> <u>Security</u> (Footcandle)
Low Activity (parking areas, schools, small businesses)	0.5	0.2	0.8
Medium Activity (Multi-family, fast food, area shopping centers)	1.0	0.6	2.0
High Activity (Major shopping center)	2.0	0.9	4.0

Walks and Bikeways

<u>Walkways & Bikeway Classification</u>	<u>Minimum Average Level</u> (Footcandle)	<u>Average Levels for Special Pedestrian Security</u>	
		<u>Mounting Heights</u> 9-15 ft. (Footcandle)	<u>Mounting Heights</u> 15-25 ft. (Footcandle)
Roadside Sidewalks and Bikeways			
-Commercial areas	0.9	2.0	4.0
-Residential areas	0.2	0.4	0.8
Walkways and Bikepaths			
Distant from Roadways	0.5	0.6	1.0

4-11 OFF STREET PARKING AND LOADING

4-11-1 PURPOSE AND INTENT

The purpose and intent of the regulations established herein is to ensure that access to a development site from adjacent vehicular rights-of-way are designed so as to interfere as little as possible with traffic flow on these rights-of-way and permit vehicles a rapid and safe ingress and egress to the site. Pedestrian and vehicular traffic movement within the development site, with particular emphasis on the provision and layout of parking areas, off street loading and unloading facilities and on site driveway patterns shall be reviewed to ensure that all parking spaces are usable, safe and conveniently arranged, and that the site is efficiently designed.

4-11-2 PLAN OF DEVELOPMENT SUBMITTAL REQUIREMENTS

Every plan of development shall include a parking and loading design plan. The design plan shall include the:

- location and width of existing and proposed streets, entrances and exits servicing the site, including the type of pavement;
- location of all off-street parking areas and off-street loading facilities, showing the number, location and dimensions of parking spaces, loading areas, curb stops, bumpers, traffic aisles, traffic patterns, curb radii and type of pavement with construction details;
- location of existing and proposed curbs, sidewalks, bike paths, bike storage areas, etc.

4-11-3 GENERAL REQUIREMENTS

a. Minimum Parking Space Requirements to be Maintained

- (1) All required off-street parking or loading space shall be maintained for parking or loading use for as long as the principal use for which such spaces were established shall remain.

(2) No enlargement of a building, structure or use shall be made in such a way as to reduce the number of existing parking or loading spaces below the minimum number required unless provisions are made elsewhere on the premises to replace any required spaces which may have been removed. Additional parking or loading spaces shall be provided to accommodate any additional demand created by such enlargement.

b. Parking in the Front Yard Residential

Off-street parking areas shall be located within the rear and side yards only unless the applicant can demonstrate to the satisfaction of the plan-approving authority that off-street parking is necessary between the building and public right-of-way, or that front yard off-street parking is substantially buffered from the view of public rights-of-way.

c. Arrangement of Parking Spaces into Parking Lots

Parking facilities containing 100 or more parking spaces shall be divided into several smaller parking areas and shall be separated from each

other by landscaping, change of grades, buildings, or other means.

d. Required Parking Spaces to be On Site

Parking spaces shall be on the same lot or tract of land as the building or use to be served unless the plan-approving authority approves collective off-street parking facilities for two (2) or more buildings or uses on adjacent or contiguous lots.

e. Fractional Space

Where fractional spaces result when calculating the minimum required number of parking and loading spaces, the parking or loading spaces required shall be construed to be the next highest whole number.

f. Loading Areas Not For Use as Parking Areas/Vice-Versa

No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.

- g. Constructed Parking Spaces Shall be No More Than the Minimum Required

Minimum off-street parking and loading requirements as required by this Section may only be exceeded where it can be demonstrated that such additional parking facilities are necessary for the operation of a proposed use.

- h. Parking Space and Loading Area Requirement Adjustment

Where it can be demonstrated that the parking and/or loading and unloading requirements of this Section will result in more parking spaces than actual needs require, the plan-approving authority may permit a portion of the proposed parking and/or loading areas to remain unimproved. Such unpaved area shall remain reserved for future parking/loading needs. If conditions in use or actual operation of the proposed use vary and additional parking/loading areas are needed, the Land Use Administrator is empowered to require such unpaved area to be improved as such.

4-11-4 OFF-STREET PARKING REQUIREMENTS

a. Minimum Number of Spaces

(1) Factors Used in Determining the Minimum

The minimum number of off-street parking spaces with proper access from a public right-of-way or driveway shall be as depicted on Exhibit _____. In determining minimum parking space requirements for uses not covered in this Article, the plan-approving authority shall be guided by the number of persons to be employed in said building or by the use; the numbers of persons expected to reside in, visit, or patronize the building or use, and the need for safe and convenient loading space for visitors or patrons and goods.

(2) Shared Parking

The required parking space for any number of separate uses may be combined in one facility. Generally, the required space assigned to one use may not be assigned to another use; thus, the total available spaces

EXHIBIT _____
OFF-STREET PARKING REQUIREMENTS

<u>Development Type</u>	<u>Required Parking Spaces</u>
<u>Residential Uses:</u>	
Single family detached dwelling	2 for each dwelling unit
Duplex dwellings	2 for each dwelling unit
Townhouses	2 for each dwelling unit, plus 0.25 for each dwelling unit for visitor parking
Multi-family dwellings	1.5 for each dwelling unit, plus 0.25 for each dwelling unit for visitor parking
Housing for the elderly and physically handicapped	1 for each 2 dwelling units
<u>Group quarters:</u>	
Lodging and rooming houses	1 for each room rented
Nursing homes	1 for each 2 beds
<u>Transient lodgings:</u>	
Hotels/motels:	
1-100 bedrooms	1 for each bedroom
101-200 bedrooms	100 spaces plus .9 for each bedroom over 100
201-300 bedrooms	190 spaces plus .8 for each bedroom over 200
301 and over	270 spaces plus .7 for each bedroom over 300
Meeting rooms, banquet rooms and restaurants within a hotel/motel	1 for each 350 square feet of non-room floor area
Bed and Breakfast	1 for each guest room plus 2 additional spaces

Development Type

Required Parking Spaces

Business:

Low Parking Generation Group 3.33 per 1000 sq. ft. gross
leasable area

This group consists of furniture stores, carpeting and floor covering stores, retail upholstery stores, printing, publishing, and business machine sales, and similar uses which, because of their large areas of display space, generate relatively small demands for parking space.

Normal Parking Generation Group 5 per 1000 sq. ft.

This group consists of retail sales and service establishments that generate an average parking demand, and includes any such uses which are not classified in low or high parking generation groups, and are not specifically listed elsewhere in this Section.

High Parking Generation Group 7 per 1000 sq. ft. gross
leasable area

This group includes food stores, convenience stores, drug stores, variety stores, and similar uses which, because of the type of activity, require unusually large amounts of parking space.

Automobile sales and rental establishments 1 for each 500 square feet
of enclosed sales/rental
floor area, plus 2 for each
service bay

Service Station 4 for each bay and work area

Car Wash 10 for each washing lane

Banks/Savings and Loan 1 for each 300 square feet, 8
stacking spaces for the first
drive-in window and 2 stacking
spaces for each additional
drive-through lane

Shopping centers, but
excluding theaters 1 for each 250 square feet of
floor area

<u>Development Type</u>	<u>Required Parking Spaces</u>
Restaurant	1 for each 3 seats
Fast Food Restaurant	1 for each 25 square feet plus 8 stacking spaces for the drive-through
Outdoor sales and display	1 for each 500 square feet of open sales and display area
Wholesale, inventory and storage uses not otherwise classified	1 for each 1000 sq. ft. of floor area devoted to enclosed storage

Office uses:

Offices, but not including medical offices	1 for each 300 sq. ft. of floor area
---	---

Medical uses:

Doctor's or dentist's office, clinic, and out-patient clinic	1 for each 200 sq. ft. of floor area
Hospital	2 for each bed, plus 1 for each 200 sq. ft. of floor area devoted to patient services
Veterinary hospital	1 for each 400 sq. ft. of floor area

Service uses:

Personal Service Business	1 for each 200 sq. ft. of floor area
Laundry Self-service	1 for each 200 sq. ft. of floor area
Dry-cleaning establishment	1 for each 400 sq. ft. of floor area

<u>Development Type</u>	<u>Required Parking Spaces</u>
Funeral home	1 for each 4 seats in chapels or parlors with fixed seats; 1 for each 100 sq. ft. of floor area for assembly rooms without fixed seats that are used for services
<u>Educational Uses:</u>	
Day care center, nursery school	1 for each 200 sq. ft. of floor area
Elementary, middle and high schools	2 per classroom plus 1 per staff member
Junior colleges, colleges, universities	1 for each 5 classroom seats plus 20 spaces for visitors, plus 1 per every 3 seats in an auditorium or multi-purpose room
<u>Institutional uses:</u>	
Churches and other places of worship; and civic, fraternal, political, private, religious, and social nonprofit organizations	1 for every 3 seats of maximum seating capacity in the main place of assembly
<u>Cultural, entertainment, and recreational uses:</u>	
Auditoriums, assembly halls, community centers, dance halls, and theaters	
Fixed seats	1 for each 4 seats based on maximum seating capacity
Without fixed seats	1 for each 100 sq. ft. of floor area
Amphitheaters, sports arenas, stadiums or gymnasiums	1 for each 100 sq. ft. of floor area
Art galleries, libraries, museums	1 for each 400 sq. ft. of floor area

<u>Development Type</u>	<u>Required Parking Spaces</u>
Bowling	4 for each alley
Golf course or miniature golf course	2 for each hole

Industrial uses:

Manufacturing, assembly, finishing and other uses	1 for each 800 sq. ft. of floor area
Warehouse/storage, shipping/receiving	1 for each 5000 sq. ft. storage area

should be the sum of required spaces for each of the individual uses. Shared parking facilities where parking available is below the minimum requirements for each separate use, as depicted on Exhibit ____, shall be allowable when the functional nature of the uses allow for differing peak hour demands. The number of spaces required in such a shared facility other than those specifically noted in Section 4-11-4a(1) shall be determined by the plan-approving authority after review of a parking study submitted by the applicant. This study should follow the guidelines of the Urban Land Institute's Shared Parking. Any such combined use will require the recording of a perpetual easement, in form and substance acceptable to the plan-approving authority.

b. Size of Spaces

Parking spaces shall be sized in accordance with the dimensions provided in Exhibit _____. Small car spaces may be provided for up to 30 percent of all required spaces for nonresidential uses.

EXHIBIT ____
PARKING SPACE DIMENSIONS

<u>Parking Angle</u>	<u>Standard Space</u>		<u>Small Car Space</u>		<u>Handicapped Space</u>	
	<u>Stall Width</u>	<u>Stall Depth</u>	<u>Stall Width</u>	<u>Stall Depth</u>	<u>Stall Width</u>	<u>Stall Depth</u>
45°	9'	17.5'	7.5'	17'	12'	17.5'
60°	9'	19'	7.5'	17.5'	12'	19'
75°	9'	19.5'	7.5'	17.5'	12'	19.5'
(perpendicular)						
90°	9'	18'	7.5'	16'	12'	18'

Parallel parking spaces shall be as follows:

Standard	7.5 X 21 feet
Small Car	6 X 19.5 feet
Handicapped	11 X 22 feet

c. Design of Parking Spaces for the Physically Handicapped

- (1) Parking spaces for the physically handicapped shall be located as close as possible to ramps, walkways and entrances. Where feasible, these parking spaces shall be located so that the physically handicapped are not forced to wheel or walk across main traffic lanes or behind parked cars to reach the ramps, and other facilities. The spaces shall be situated in those areas of the parking lots located nearest to each primary

building entrance. Parking spaces for the physically handicapped shall be provided in accordance with Exhibit ____.

EXHIBIT ____
PARKING SPACE REQUIREMENTS FOR
THE PHYSICALLY HANDICAPPED

<u>Total Parking Spaces in Lot</u>	<u>Required Minimum Number</u>
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of Total
Over 1,000	20, Plus 1 for each 100 over 1,000

- (2) Parking spaces for the physically handicapped shall be identified by signs, generally located eight (8) feet above grade. The signs shall state that the space is reserved by law for the physically handicapped. Where these signs are placed flush against buildings or structure, or in other locations not accessible to vehicular or pedestrian traffic, the height may be reduced to six (6) feet.

- (3) Where a curb exists between a parking lot and a sidewalk, a horizontally scored ramp or curb cut shall be provided for wheelchair access. The curb cut shall not be less than four (4) feet wide and shall have a grade of not more than one (1) foot in twelve (12) feet. Curb cuts shall be provided within thirty (30) feet of each accessible entrance sidewalk to the structure, at all pedestrian sidewalk intersections, and elsewhere to provide reasonably direct circulation within each development. Curb cuts shall not be more than one hundred fifty (150) feet apart.
- (4) Sidewalks shall be scored or textured to indicate the location of doors to blind persons. Exterior sidewalks shall not be obstructed. They shall have a side slope not greater than one (1) inch in four (4) feet and a grade of not more than one (1) foot in twenty (20) feet. Wherever sidewalks cross driveways, parking lots, or other sidewalks, they shall blend to a common level.

(5) Storm drain grates and similar devices shall not be located within the required access for the physically handicapped.

(6) The grade of parking spaces for the physically handicapped shall not be more than one (1) foot in twenty (20) feet.

d. Arrangement and Marking of Parking Spaces

(1) All off-street parking areas shall be arranged and marked to provide for orderly and safe loading, unloading, parking, and storage of vehicles. Directional arrows and traffic signs shall be provided for traffic control. Individual parking spaces shall be clearly defined with durable, contrasting lines 4 to 6 inches wide, forming a band between 12 and 24 inches wide around each side of the stall; except that small car spaces shall be marked with a single line, 4 to 6 inches wide, along each side of the stall. Each space or area for small car parking must be clearly marked with a sign to indicate the intended use.

- (2) All off-street parking shall be designed so that vehicles can turn around on site and enter the public right-of-way or vehicular travelways outside of parking bays in such a manner as to completely eliminate the necessity of backing into the street.
- (3) Parking areas or lots providing for more than sixty (60) motor vehicle spaces shall, where possible, be subdivided into modular parking bays or lots of not greater than sixty (60) spaces each. Single row or line of spaces within a bay should be separated from access or circulation drives by ten (10) foot wide islands for the full width of a bay at the ends of rows.
- (4) A major loop driveway should be developed around the parking areas. All parking should be located in bays generally perpendicular to driveways or roads. A one-way directional movement, if employed, shall be to the left or counter-clockwise.

- (5) Off-street parking areas shall be oriented to and within a reasonable walking distance of the buildings they are designed to serve (as a guideline, a maximum of 1,000 feet for employee parking; 700 feet for shoppers; 300 feet for non-elderly residents; 150 feet for elderly residents; and 500 feet for guests of a hotel or residential development).

e. Aisles

Interior aisles are vehicular travelways with parking spaces along the side(s). The width of all aisles providing direct access to individual parking spaces shall be in accordance with the requirements set forth in Exhibit ____.

EXHIBIT
PARKING LOT AISLE WIDTHS

<u>Parking Angle</u> (Degrees)	<u>Aisle Width</u> <u>One-Way Traffic</u> (Feet)	<u>Aisle Width</u> <u>Two-Way Traffic</u> (Feet)
0 parallel parking	12	24
30	12	24
45	14	24
60	18	24
90 perpendicular parking	24	24

4-11-5 DRIVEWAYS

a. Design

- (1) All entrance and exit driveways shall conform to the requirements of the Virginia Department of Transportation in order to afford maximum safety to traffic, provide for safe and convenient ingress and egress to and from the site, and to minimize conflict with the flow of traffic.

(2) Entrance and exit driveways to aisles with parking spaces are vehicular travelways and shall not have parking spaces along its sides.

(3) Any proposed driveway on any street or highway in the Federal Aid System - primary, secondary or urban - as designated on the Virginia Department of Transportation general highway maps, shall comply with the following design standards and with all applicable standards as prescribed, or as may be hereafter amended, by the Virginia Department of Transportation. In the case of conflicts, the more restrictive standards shall govern.

Each parcel with frontage on a public street or highway shall be permitted one driveway, either on the parcel or as part of a joint access arrangement with an adjoining parcel. In all cases of access to Federal Aid System roads, joint access arrangements shall be considered to be the preferred alternative and, as such, where the adjoining parcels are

under the same ownership, shall be incorporated into proposed plans except where existing development patterns, site characteristics, or the characteristics of the proposed use would, as determined by the plan-approving authority in consultation with the Resident Engineer of the Virginia Department of Transportation, render such an arrangement impractical. Where joint access arrangements are provided, a ten (10) foot wide restricted access easement shall be required along all portions of the highway frontage except where the permitted highway access is located. Such restricted access easement, and the following statement to be signed and acknowledged by both the County and the applicant, shall be affixed to the approved plan and shall also be recorded, at the cost of the property owner, in the Courthouse:

"Pursuant to the terms of the Richmond County Land Management Ordinance, a joint access arrangement to serve Assessor's Parcel Nos. _____ and _____

as identified on the Richmond County tax maps is hereby established. Such arrangement shall be maintained and kept available to serve the subject parcels regardless of changes in ownership."

Where the adjoining parcels are under different ownership, joint access arrangements are strongly encouraged. If provided, such arrangements shall be acknowledged through execution and recordation of the above statement.

Additional driveways may be permitted provided that the need for such additional driveways is substantiated.

- (4) Driveways and entrances: The minimum spacing between the tangent point of an intersection and permitted driveways or entrances themselves, shall be in accordance with the requirements depicted on Exhibit ____ based on the street classification, provided, however, that a greater or lesser distance may be stipulated by the plan-approving

authority upon the recommendation of the Department of Transportation. Reduction of these spacing requirements shall be permitted when the property configuration or location would preclude strict application of these standards, provided however that where an alternate access arrangement or an internal access system is practical and feasible, multiple driveways or entrances not in conformance with these spacing standards shall not be permitted. Except for detached residential development, the use of shared access arrangements shall be the preferred alternative.

EXHIBIT _____
DRIVEWAY SPACINGS ALONG RIGHTS OF WAY

<u>Classification</u>	<u>Min. Spacing (feet)</u>
Access	40
Subcollector	50
Minor Collector	75
Major Collector	100
Minor Arterial	250
Major Arterial	350

(5) The minimum distance between the property line of a parcel and the nearest edge of the nearest driveway to that property line shall be twenty-five (25) feet, except however, driveways which provide joint access to more than one parcel, or which may reasonably be expected to do so in the future, may be located on the property line or within twenty-five (25) feet of the property line.

(6) The dimensions of driveways shall be designed to adequately accommodate the volume and character of vehicles anticipated to be attracted daily. The required maximum and minimum dimensions for driveways are indicated below in Exhibit _____. Driveways serving large volumes of daily traffic or traffic of over fifteen (15%) percent truck traffic shall be required to utilize high to maximum dimensions.

EXHIBIT _____
DRIVEWAY WIDTHS

	<u>One-Way Operation</u> <u>Driveway Width</u> (Feet)	<u>Two-Way Operation</u> <u>Driveway Width</u> (Feet)
1-2 Family	9-20	NA
3-10 Family		
Residential Area	10-16	16-24
Over 10 Family	15-24	20-36
Commercial &		
Industrial	15-30	4-6

(2) 24-36

4-11-6 SIDEWALKS

a. Location and Design

In addition to all required parking spaces and driveways, pedestrian sidewalks shall be provided in off-street parking areas for pedestrian safety. Sidewalks shall be protected from vehicular encroachment by wheel stops, curbs, or other methods approved by the plan-approving authority. Sidewalks shall be a minimum width of four (4) feet. Parked vehicles shall not overhang or extend over sidewalk areas, unless an additional sidewalk width of two and one-half (2-1/2) feet is provided to accommodate such overhang.

b. Separation of Sidewalk Areas

All parking spaces shall be separated from sidewalks, roads, and landscaped areas by wheel stops, curbs, or other method approved by the plan-approving authority.

4-11-7 OFF-STREET LOADING

a. Applicability

Whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development, a sufficient off-street loading and unloading area must be provided in accordance with this section to accommodate the delivery or shipment operations in a safe and convenient manner. Determination of the applicability of this section shall be made by the plan-approving authority.

b. Location and Access

- (1) All areas for the loading and unloading of vehicles and for the servicing of establishments or shops shall have adequate and unobstructed access from a street, service driveway or alley and shall be so arranged that they may be used without blocking or otherwise interfering with the use of vehicular travelways, parking facilities, fire lanes or sidewalks.
- (2) Unobstructed access, at least ten (10) feet wide, to and from a street shall be provided to the loading area. Such access may be a driveway within the parking lot. All permitted or required loading areas shall be on the same lot as the use to which they are attached.
- (4) No entrance or exit for any loading area or berth shall be located within fifty (50) feet of any street intersection.

- (5) No off-street loading berth or area shall be located in any front yard.

c. Dimensions and Amount of Loading Areas

- (1) A loading area need not be necessarily a full berth, but shall have a minimum plan dimension of at least ten (10) feet in width. Each required loading berth within the loading area shall be at least twelve (12) feet wide and forty (40) feet long, with fourteen (14) feet of overhead clearance.
- (2) The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area, given the nature of the development. Exhibit ____ indicated the number and size of spaces that normally shall satisfy the intent of this standard, subject to evaluation of adequate data submitted by the applicant. In no case, however, shall the required space be less than one (1)

EXHIBIT _____
OFF-STREET LOADING REQUIREMENTS

For retail stores, financial institutions, educational facilities, restaurants, wholesale, warehouse, general service, manufacturing or industrial establishments; the number of berths on building floor area shall be as follows:

- | | | |
|----|--|--|
| 1. | Up to 4,000 square feet | 1 loading area (1 berth if served by tractor trailers) |
| 2. | 4,001 to 20,000 square feet | 1 berth |
| 3. | 20,000 to 40,000 square feet | 2 berths |
| 4. | 40,000 to 100,000 square feet | 3 berths |
| 5. | Each 80,000 square feet over 100,000 square feet | 1 additional berth |

For motels, hotels, offices, dormitories, schools, places of public assembly or similar uses; the number of berths based on the building floor area devoted to such uses shall be as follows:

- | | | |
|----|---|--------------------|
| 1. | Up to 10,000 square feet | 1 loading area |
| 2. | 10,001 to 100,000 square feet | 1 berth |
| 3. | Each 100,001 square feet or fraction thereof over 100,001 square feet | 1 additional berth |

loading area of sufficient size to accommodate the number and size of anticipated delivery vehicles.

- (3) Whenever there exists a lot with one or more structures on it constructed before the effective date of this Ordinance, and a change in use that does not involve any enlargement of a structure is proposed for such lot, and the loading area requirements of this section cannot be satisfied because there is not sufficient area available on the lot that can practically be used for loading and unloading, then the developer need only comply with this section to the extent reasonably possible.

- (4) Loading/unloading areas shall be screened from public view.

4-11-8 BICYCLE PARKING

When there is a reasonable expectation that a proposed development will be accessed by bicycle traffic, bicycle parking facilities shall be provided in an amount sufficient to accommodate anticipated use. Outdoor bicycle parking facilities shall be located in convenient locations close to building entrances or pedestrian walkways leading to building entrances. Such facilities shall be clearly marked, and separated from automobile access by either landscaping, raised curbs or similar devices. Bicycle parking facilities shall provide the ability for users to secure bicycles by means of padlocks, chains or cable attachments.

4-11-9 SURFACING REQUIREMENTS FOR OFF-STREET PARKING AND
LOADING FACILITIES

a. Paving Standards

All off-street parking and loading area, including aisles and driveways, shall be constructed and maintained with an all-weather^m pervious material unlikely to cause substantial maintenance problems. Surface areas shall be properly graded

and be composed of asphalt, concrete or other material approved by the plan-approving authority, including porous paving. Surfaces should approximate the following all-weather surfacing detail:

(1) Parking Spaces - Two (2) inches of asphalt surface applied over eight (8) inches of a graded, compacted aggregate #1 or #2 subgrade.

(2) Driveways - One and one-half (1-1/2) inches of asphalt surface applied over a five (5) inch BM-2 asphalt base on top of an eight (8) inch compacted aggregate #1 or #2 subgrade.

The plan-approving authority may increase or decrease the required surfacing treatment depending upon anticipated usage, the nature and weight of anticipated traffic, as well as the stability of the on-site soils.

b. Exceptions to the Paving Requirements

Exceptions to this requirement are driveways serving single family detached dwellings, parking,

loading and storage areas on to which customer vehicles are not permitted, and existing commercial and industrial uses. Any changes to existing commercial and industrial uses requiring an increase in public parking spaces must be accomplished in conformance with the requirements of this Ordinance.

4-11-10 MAINTENANCE OF OFF-STREET PARKING AND LOADING AREAS

a. Maintenance Requirements

Every parcel of land hereafter used as a public or private off-street parking or loading area shall be maintained in good condition, free of hazards and deterioration. All pavement areas, sidewalks, curbs, drainage facilities, lighting, bumpers, guardrails, markings, signs, bicycle parking devices, landscaping and other improvements shall be maintained in workable, safe and good condition.

b. Repairs by the County Authorized

The Land Use Administrator may authorize repairs for such improvements if, after proper notice, the owner fails to maintain such improvements and such conditions constitute a hazard to health and safety. The imposition of a lien shall be applied to the subject property and shall be enforced and collected by the County.

4-12 LANDSCAPING AND BUFFERING

4-12-1 PURPOSE AND INTENT

The regulations established herein are intended to maintain the vegetated environment of the County, thereby preserving the County's rural qualities and incorporating vegetation in the form of landscaping and buffering within plans of development, thereby promoting healthier and ecologically sound community environs. This will occur because trees and shrubs are proven producers of oxygen, a necessary element for human survival; trees and shrubs appreciably reduce the ever increasing environmentally dangerous carbon dioxide content of the air thereby playing a vital role in purifying the air we breathe; trees and shrubs transpire considerable amounts of water each day and thereby purify the air much like the air-washer devices used on commercial air conditioning systems; trees and shrubs have an important role in neutralizing waste water passing through the ground from the surface to ground water tables and lower aquifers; trees and shrubs through their root systems, stabilize the ground water tables and play an important and effective part

in soil conservation, erosion control, and flood control; and trees and shrubs are an invaluable physical, aesthetic, and psychological counterpart to unnatural development features, making life more comfortable by providing shade and cooling of the air and land, reducing noise levels and glare, and breaking the monotony of human developments on the land, particularly parking areas.

4-12-2 PLAN OF DEVELOPMENT SUBMITTAL REQUIREMENTS

Every plan of development shall include a landscape plan. This plan shall include the:

a. Existing Vegetation

Location and identification by size and name, both common and botanical, of all mature, heritage, or significant trees in open areas on the site. In wooded areas, the woodline before site preparation, average size, and predominant species of trees shall be shown, except that any heritage or significant trees within a wooded area proposed

for clearing shall be individually located and identified by size and name, both botanical and common.

b. Buffering Details

Location, dimensions and area of all required buffer areas including areas proposed to be fenced, walled, or screened through the use of architectural, earthform, or any other landscape method, including notes and details to describe fully the methods and materials proposed.

c. Landscaping Details

Location, size, type and name, both common and botanical, of all landscaping materials, including materials to be retained on site as well as new materials proposed to be added.

d. Vegetation Protection

Details and notes pertaining to the methods to be utilized to protect trees and plant materials to remain on site from damage, both during and after development of the site.

e. Maintenance Notations

Appropriate notations regarding responsibility for the perpetuation and maintenance of all landscape plant materials or other landscape features to be preserved or installed on the site.

f. Waiver of Submittal Requirements

The plan-approving authority may waive all or a part of the submittal requirements if an applicant can be thoroughly and responsibly evaluated despite the absence of waived submittal data.

4-12-3 GENERAL REQUIREMENTS

a. Maximize Value of Vegetated Material

Trees, shrubs, ground cover and other landscaping shall be located so as to utilize effectively the natural capacities of plant materials to intercept and absorb airborne and runoff-related pollutants and to reduce runoff volume, velocity and peak flow increases caused by development.

b. Existing Trees to be Preserved

Existing viable and mature trees shall be

preserved and protected as a part of the overall landscaping plan.

c. Landscape to Suit the Site

Landscape materials and designs shall be appropriate for the specific characteristics of the site and the purpose for installation.

d. Landscape to Buffer Discordant Impacts

Landscaping and buffer area shall be designed to reduce, as much as possible, the discordant impacts of development on adjacent natural areas, the scenic rural character of the County, and on adjacent landowners who might be adversely impacted by the proposed development.

e. Preserve Existing Natural Buffers

In all cases, the preservation of natural buffers is encouraged.

f. Design of Buffers

Within the required buffer of distance, plant material screens and structural elements required as buffers shall be designed in a staggered or undulating manner to create a more natural looking

buffer. Plant material screens need not occupy the full buffer of distance, but shall be continuous.

g. Buffers Adjacent to Vacant Sites

Where the adjacent property is vacant, it shall be classified as the highest intensity use allowed by right in that zoning district for purposes of determining the appropriate buffer, except where approved development plans or a use granted by a special use permit indicate another buffer classification would be more appropriate as determined by the plan-approving authority.

h. Landscaping Areas Devoid of Trees

All land development areas devoid of major trees, including the areas along the roads of the development where natural woods are not present and where due to construction the entire right-of-way is cleared, the following provisions shall apply:

(1) Trees shall be planted along both sides of all streets as approved by the plan approving authority.

(2) Trees shall be planted at forty-five (45) feet intervals or an equivalent number of trees shall be planted in an informal arrangement.

(3) There shall be a minimum of three shade trees per residential lot in the front yard or that yard where shading of the structure will be maximized if no solar collectors are proposed.

1. Activities Permitted Within Landscaped Buffer Areas

Except as provided in Section 4 12-5b(2), the following activities are permitted within landscaped buffer areas.

(1) Roadway and/or driveway access between adjoining properties provided that it is approximately perpendicular to the common property line.

(2) Water, sanitary sewer, electrical, telephone, natural gas, cable or other service lines provided they are approximately perpendicular to the common property line. If utilities must be installed approximately parallel to the common property line, an equal amount of buffer may be required to substitute for the area of vegetation removal.

(3) Pedestrian and bicycle paths designed to provide continuous connections between adjoining properties.

(4) Lighting fixtures.

(5) Storm drainage provided that it does not impair the basic integrity of the required buffer.

j. Buffering Objectionable Site Features

Objectionable features including dumpsters, outside storage areas and large parking areas (10 vehicles or greater) as well as loading areas shall be visually buffered by landscaping and

structural elements as viewed from adjacent properties and public rights-of-way.

4-12-4 LANDSCAPE PRESERVATION

The preservation of existing vegetation on a development site has distinct advantages since this vegetation is well established and tolerant of existing conditions, and can be readily employed to fulfill the intent and purpose of Section 4-12. Incorporating natural features into plan of development proposals not only improves the quality of the project, but also reduces construction problems and increases the value of the development. Soil erosion and sedimentation control costs are reduced. The existing vegetation holds soil in place and breaks the impact of falling rain. Forest soils are porous and function like a sponge soaking up stormwater. The value of homes is increased when trees are retained and the resultant appearance is one of an established community. The following provisions are intended to facilitate the preservation and beneficial use of existing vegetation during development.

a. Construction Footprint

The construction footprint shall not exceed sixty (60) percent of the site

b. Which Trees Shall Be Preserved

In determining which trees and shrubs shall be preserved during the development process, consideration shall be given to preserving those which exhibit the following characteristics:

- (1) are heritage or significant trees;
- (2) complement the project design including the enhancement of the architecture and streetscape appearance;
- (3) can tolerate environmental changes to be caused by development (i.e. increased sunlight, heat, wind and alteration of water regime);
- (4) have strong branching and rooting patterns;
- (5) are disease and insect resistant;

- (6) complement or do not conflict with stormwater management and Best Management Practice designs;
- (7) are located in required buffer areas;
- (8) exist in natural groupings including islands of trees;
- (9) do not conflict with necessary utility, structure, parking area, roadway, bike path, or sidewalk placements; and
- (10) have been recommended by the Virginia Department of Forestry, Richmond County Cooperative Extension Service or qualified arborist or urban forester for preservation.

c. Protecting Trees During Construction

Trees which are to be preserved on site shall be protected before, during and after the development process utilizing accepted practices. At minimum, Standard and Specification No. 1.85, Virginia Erosion and Sediment Control Handbook, Second Edition 1980 shall be utilized.

d. Protecting Woodland Groups

In woodland areas, groups of trees shall be selected for preservation rather than single trees wherever possible.

e. Tree Protection Details

(1) Trees and groups of trees which are to be preserved shall be enclosed by a temporary fence or barrier to be located and maintained at the dripline during construction. Such a fence or barrier shall be installed prior to clearing or construction, shall be sufficient to prevent intrusion into the fenced area during construction, and in no case shall materials, vehicles or equipment be stored or stockpiled within the enclosure.

(2) Within the fenced area, the topsoil layer shall not be disturbed except in accordance with accepted tree protection practices.

(3) If land development activities are proposed to occur within the dripline of trees to be retained, special care such as the installation of tree feeders and the use of

porous paving materials must be employed to minimize the extent of root disturbance, compaction of soil, and amount of impervious cover.

- (4) A two (2) inch layer of mulch shall be applied over the surface of exposed roots during and after development.

f. Tree Clearing Limits Marked and Approved

- (1) The Land Use Administrator shall approve the marked limits of clearing in the field prior to the commencement of land disturbing activities to ensure that the limits of clearing as marked conform to the plans approved as part of the plan of development approval process.
- (2) Trees to be saved shall be marked by red ribbon.
- (3) Trees to be removed shall be marked by blue ribbon.

(4) In heavily wooded areas, the Land Use Administrator may give permission to mark large groups of trees to be removed or saved with appropriately colored ribbon along the perimeter of the area.

g. Notification of Construction Personnel of Tree Protection Measures

The developer shall be responsible for notifying all construction personnel of the presence and purpose of clearing limits and protective fences or barriers and for ensuring that they are observed.

h. Grade Change Mitigation Measures

Where grade changes in excess of six inches (6") from the existing natural grade level are necessary, permanent protective structures such as tree wells or walls shall be properly installed.

i. Restricted Activities Near Protected Trees

The cleaning of equipment, storage of materials or dirt, disposal of waste material such as paint, oil solvents or other harmful substances, or any

other such acts which may be harmful to the continued vitality of the tree(s) to be protected shall be prohibited.

j. Repairing Trees Damaged During Construction

Any tree damaged during construction, or damage occurring as a result of such construction, shall be repaired according to accepted International Society of Arboriculture practices. Tree damage shall be repaired prior to the issuance of a Certificate of Compliance.

k. Tree Clearing Procedures

It is recommended that trees to be removed be removed at one time throughout a project site in order to allow uncut trees to have more time to recover from adjacent timbering operations prior to construction. By separating the clearing phase from the building phase by as great a time interval as possible, trees left will show response to increased light and nutrients created by the opening, and compaction and soil erosion will be reduced.

1. Tree Clearing and Protection Plans

Developers of plan of developments within wooded areas are encouraged to prepare Tree Clearing and Protection Plans in the manner employed by the Virginia Division of Forestry. A sample plan is on file in the Office of the Land Use Administrator. Trees to be considered for removal should include all Virginia pine near buildings, trees within 15 feet of a major excavation, and all trees that lean, are hollow, or would endanger a structure or vehicle by falling.

m. Areas of Development Sites to Remain Undisturbed

Natural vegetation existing on slopes of 25 percent (25%) or greater, in wetlands, within 100 feet of a perennial watercourse or wetland, and within 50 feet of an intermittent stream, shall be left undisturbed as a buffer area during development, provided however that:

- (1) Access paths and view corridors or sight lines may be cleared along waterways, lakes or wetlands. In general, trees larger than ~~six~~ six inches d.b.h. shall not be removed.

(2) Where natural vegetation is removed it shall be replaced with other vegetation equally effective in retarding erosion and preserving natural appearance.

n. Clear Cutting Prohibitions and Restrictions

Commercial timber clearing cutting operations are prohibited in areas zoned commercial, industrial and residential. On site to be timbered, the County encourages the retention of a fifty (50) foot buffer of existing trees adjacent to all public rights of way.

o. Heritage Trees Protected

No person shall cut down, remove, relocate, damage, destroy, or in any manner abuse any tree designated as a heritage tree by the Board of Supervisors.

4-12-5 SITE LANDSCAPING STANDARDS

a. Landscape Areas adjacent to Buildings

A landscape area which is a minimum of 10 feet wide shall be provided adjacent to buildings. Up to one half of this area may be transferred elsewhere on the site. This area shall contain a number of trees and shrubs equal to at least one ornamental tree or five shrubs per 200 square feet of planting area provided.

b. Landscape Areas along Rights-of-Way

- (1) The landscape area along rights-of-way shall be designed to maintain continuous natural corridors along existing and proposed rights-of-way. This landscaped area shall be a minimum of thirty (30) feet in width from the edge of the right-of-way to off-street parking areas and 150 feet in width from the edge of right of way to structures on reverse frontage lots. Roads which shall possess a 150-foot greenbelt are:

(2) For lots possessing on site parking lots fronting on the right of way and the thirty (30) foot buffer area,

- may be selectively thinned if fully wooded; and
- shall be planted with shade trees 40-50 feet apart along the right of way if void of vegetation.

For lots with a reverse frontage, the 150 foot buffer area shall be protected by landscape easement. The following landscape treatments shall be provided in order to screen reverse frontage uses from the right of way:

- preserve existing trees within the provided landscape buffer area and supplement the understory if necessary with shade tolerant naturalistically massed plantings of evergreens in order to create a complete screen

- in areas void of existing vegetation, the following standards shall apply:

- Shade trees forty (40) feet to fifty (50) feet apart shall be planted along the roadway.
- Vertically and horizontally meandering berms shall be incorporated to achieve a natural rolling park-like landscape. Berms shall be two (2) feet to eight (8) feet in height, averaging five (5) feet. The width should vary without adversely affecting natural drainage.
- Berms shall be overlapping where drainage swales are required to pass through them. The final design must be reflected upon the drainage plan.
- Bike/hike paths, if provided, shall meander through, around, and over

the berms and plantings where possible. Such paths shall not exceed a maximum pitch of one (1) inch in sixteen (16) inches (vertical rise or change in grade to horizontal run or distance).

- The berm shall be continuously planted with masses and groupings of evergreen trees, shade and ornamental trees, and shrubs. The design shall maximize screening of residences and de-emphasize the linearity of the roadway.

(3) Activities which are permitted within this landscaped area include:

- Excepting reverse frontage lots, roadway and/or driveway access to the portion of the site not in the buffer area provided that it minimizes the impact to the quality and quantity of the buffer area.

- Water, sanitary sewer, electrical, telephone, natural gas, cable or other service lines provided they are approximately perpendicular to the right-to-way. If utilities must be installed approximately parallel to the road right-of-way, an equal amount of buffer may be required to substitute for the area of vegetation removal. Permission for easement and right-of-way disturbance and clearings for such services shall be consolidated with vehicular access routes whenever possible.
- Pedestrian and bicycle paths designed to provide continuous connection along the road.
- Lighting fixtures.
- Signage in accordance with the sign regulations in Section 4-9.

- Clear sight distances at the permitted entrances and exits to any development as needed to provide for reasonable traffic safety.
- Storm drainage provided that it does not impair the basic integrity of the required buffer.

c. Landscape Areas Within Parking Lots

Five percent (5%) of the interior of any parking, loading or other vehicular use area shall be landscaped. The location of such landscaping is at the option of the developer; provided, however, the following standards shall apply:

- (1) Shade trees within parking areas shall be provided at a minimum rate of two (2) trees per ten (10) parking spaces. Shrubs shall be planted at a rate of two (2) shrubs per ten parking spaces.
- (2) No more than ten (10) parking spaces shall be permitted in a continuous row without being

interrupted by a landscaped island of not less than six feet (6') in width. Such landscape island shall be planted with one shade tree.

- (3) Every fourth row of parking shall be separated by a median strip of not less than ten feet (10') in depth for landscaping and pedestrian purposes. Such median strips shall be planted with at least one (1) tree per median strip except that one (1) shade tree for every fifty feet (50') or fraction thereof shall be planted in median strips that exceed fifty feet (50') in length. For purposes of this standard, double-backed parking areas shall be considered two rows.

- (4) Each parking row shall terminate in a landscape island of not less than ten feet in width. Such landscaped island shall be planted with one shade tree.

- (5) Parked vehicles may overhang a landscaped median strip no more than two and one-half feet (2-1/2'), provided curbing or other

wheel stops are installed to insure no greater overhang or penetration of the median strip.

(6) Landscaped islands and median strips shall be planted in grass or any year-round ground cover and/or mulched.

(7) Landscaping, walls, fences and earthen berms shall be so located as to prevent their damage and/or destruction by overhanging vehicles.

d. Landscape Areas Peripheral to Parking Lots

In addition to the requirements of Section 4-12-5c, peripheral landscaping shall be provided along any side of an off-street surface parking area sized for in excess of 9 vehicles and loading areas. Such landscaping shall be provided as follows:

(1) A landscaping area at least ten (10) feet in depth shall be located between the abutting property lines and the parking, loading or

other vehicular use area, except where permitted driveway openings are to be provided. Where drainage or other utility easements exist along property lines, the landscape area shall be located between the parking, loading or other vehicular use area and the utility or drainage easements.

- (2) The landscaping area shall be planted in accordance with the following standards:

One (1) shade tree shall be planted for each fifty (50) linear feet of the landscaping area;

An evergreen hedge or other durable landscape material of at least three feet (3') in height shall be planted within the landscape area so as to provide a continuous landscape element; or

A combination of trees, hedge, other durable landscape material or approved wall, fence or earthen berm may be utilized to form the continuous landscape element;

All portions of the landscaping area not planted with shrubs and trees or covered by a wall or fence barrier shall be planted in grass and/or ground cover;

Parked vehicles may overhang a landscaped area no more than two and one-half (2-1/2) feet, provided curbing or other wheel stops are installed to insure no greater overhang or penetration of the landscaped islands. Landscaping, walls, fences and earthen berms shall be so located as to prevent their damage and/or destruction by overhanging vehicles.

e. Exemption from Section c and d Above

The provisions of subsection c and d above shall not be applicable in the following situations:

- (1) Where any off-street surface parking, loading or other vehicular use area will be entirely screened visually from any point of view by an intervening building or structure from abutting property; or

- (2) Where parking areas contain less than ten
(10) parking spaces.

f. All Other Landscape Areas

All landscaped areas other than the landscape areas identified in 4-12-5a to 4-12-5d shall contain a number of trees equal to or at least one tree and two shrubs per 300 square feet of total landscape area provided. Each mature existing tree to be saved may be counted toward meeting the required minimum number of trees, with one viable mature tree substituting for two planted trees. This section applies to all other areas of a development site including median and cul-de-sac islands.

4-12-6 BUFFER AREAS

a. Function

The function of buffer areas is to provide visual and noise barriers between adjacent land uses, or between a land use and a public road which block out both visual nuisances, such as glare from

lights, and shield the source of noise from view, thereby reducing its perceived impacts. Additionally, buffers may serve as a protective or safety barrier, by blocking physical passage. Heavily planted buffers may restrict the movement of dirt or dust and assimilate air-carried contaminants. The provision of buffer areas enables land uses of varying intensities to be approximate to each other, thereby accommodating the needs and values of both the developer and adjacent landowners.

b. Buffer Design

The design of buffer areas shall utilize distance, vegetative material, and structural elements such as fences, privacy walls, berms or other approved elements. One or more of these features shall be required depending on adjacent existing or proposed uses. Exhibit ____ depicts these buffer requirements.

EXHIBIT _____

Adjacent Use					
Proposed Use	1*	2	3	4	5
	*see uses below				
1*	Zoning Setbacks	Zoning Setbacks Plant Material	15'+ Plant Material and structural elements	20'+ Plant Material and structural elements	Zoning Setbacks landscaping
2	30'+ Plant Material	15'+ Landscaping	30'+ Plant Material	Plant Material and structural elements	30' Landscaping
3	50'+ Plant Material and structural elements	15'+ Plant Material	15'+ Landscaping	15'+ Plant Material	30'+ Plant Material
4	100'+ Plant Material and structural elements	15'+ Plant Material and structural elements	15'+ Plant Material	15'+ Landscaping	30'+ Plant Material

Use Legend

1. Low intensity residential
2. Moderate intensity residential, low intensity institutional, low intensity commercial, low intensity recreational.
3. Intense intensity residential, moderate intensity institutional, moderate intensity commercial, low/moderate intensity industrial, moderate intensity recreational.
4. High intensity residential, high intensity institutional, high intensity commercial, high intensity recreational, high intensity industrial.
5. All roads.

Buffer Legend

Zoning setbacks - as required by Article 3.

Landscaping - (Section 4-12-5d)

Plant Material Buffers - Plant materials used for buffers shall be natural or landscaped, in either case creating a visual screen at least six (6) feet in height. The plant screen shall be installed at the time of inspection for Certificate of Compliance and shall be of sufficient size and quantity such that the minimum height and the visual screening between plants can be achieved within one (1) year of installation.

Structural Elements - Structural elements such as fences, walls, earthen berms or other elements, as approved, shall be at least six (6) feet in height although such height can be altered to preserve significant land forms or other significant resources. An adequate distance shall be maintained between the structure and the exterior property line for plant material and access for its maintenance. Structural elements shall be installed at the time of inspection for Certificate of Compliance.

4-12-7 STANDARDS RELATING TO PLANT MATERIALS SELECTED FOR
INSTALLATION

a. Plant Selection

The lists of plants shown in Exhibit ____ provides a menu of representative plant materials that could initially be considered when selecting plants for landscaping and buffering. This list is not intended to restrict landscaping choices but only to help developers make effective landscaping choices. The list consists predominately of indigenous plant species thereby enabling newly installed plants to blend in with the natural vegetated conditions. Information is provided relative to the foliage type, preferred habitat, soil and light conditions, rate of growth, ultimate size and primary uses which should be of assistance in selecting the most appropriate plant for a particular circumstance.

EXHIBIT _____

VEGETATION SUITABLE FOR SCREENING

<u>Common Name</u>	<u>Species</u>	<u>Mature Height (ft.)</u>	<u>Spread</u>
LARGE DECIDUOUS TREES FOR SHADING			
Ginko	Ginko biloba (male only)	80	40
Honeylocust*	Gleditsia triacanthos inermis 'Shademaster'	50	30
Laurel Oak	Quercus laurifolia	60	40
Littleleaf Linden	Tilia cordata	50	35
London Plane-Tree	Platanus acerifolia	80	50
Red Maple*	Acer rubrum 'October Glory'	60	40
Red Oak	Quercus rubra	70	55
Scarlet Oak	Quercus coccinea	70	55
Sweet Gum	Liquidambar styraciflua	80	40
Sycamore*	Platanus occidentalis	80	50
Willow Oak	Quercus phellos	50	40
Zelkova	Zelkova serrata 'Green Vase'	80	55
LARGE EVERGREEN TREES FOR SCREENING			
Carolina Hemlock	Tsuga caroliniana	75	40
Eastern Red-Cedar	Juniperus virginiana	45	20
Southern Magnolia	Magnolia grandiflora	50	30
SMALL TREES FOR PARTIAL SCREENING			
American Holly	Ilex opaca (evergreen)	40	20
American Hornbeam	Carpinus caroliniana	30	20
Bradford Pear	Pyrus calleryana 'Bradford'	40	20
Carolina Cherry- Laurel	Prunus caroliniana		
Crape Myrtle	Lagerstroemia indicia	20	15
Eastern Redbud	Cercis canadensis	35	25
Flowering Dogwood	Cornus florida	30	25
Golden-Rain Tree	Koelreuteria paniculata	25	30
River Birch	Betula nigra	50	30
Russian Olive	Elaeagnus angustifolia	20	20
Sourwood	Oxydendrum arboreum	35	

<u>Common Name</u>	<u>Species</u>	<u>Mature Height (ft.)</u>	<u>Spread</u>
LARGE SHRUBS FOR EVERGREEN SCREENING			
Fraser Photinia	Photinia fraseri		
Fortune's Osmanthus	Osmanthus fortunei		
Glossy Privet*	Ligustrum lucidum	18	10
Japanese Privet*	Ligustrum japonicum		
Japanese Photinia	Photinia glabra		
Nellie R. Stevens Holly	Ilex 'Nellie R. Stevens'		
Thorny Elaeagnus*	Elaeagnus pungens	10	8
Yaupon Holly	Ilex vomitoria		

SMALL SHRUBS FOR EVERGREEN SCREENING

Chinese Holly	Ilex cornuta 'Burfordii'		
Laurustinus	Viburnum tinus		
Mentor Barberry	Berberis mentorensis		
Meserve Holly	Ilex meserveae		
Parney Cotoneaster	Cotoneaster lacteus		
Pfitzer Juniper*	Juniperus chinensis 'Pfitzerana'	6	8
Wintergreen Barberry	Berberis julianae	6	4

* Rapid Growth Rate

b. Size Standards

All landscaping required within Section 4-12 shall conform with the following minimum size standards as shown in Exhibit ____.

EXHIBIT ____
MINIMUM PLANT SIZE A+ PLANTING

<u>Plant Material Type</u>	<u>Minimum Size</u>	<u>Minimum Branch Spread</u>
Trees:		
<u>Deciduous</u>		
Shade	10' height and 1-1/2" caliper*	4'
Flowering/ Ornamental		
•single-stem	8' height and 1-1/4" caliper	4'
•multi-stem	8' height	4'
<u>Evergreen</u>	4' height and 1-1/4" caliper	N/A
Shrubs:		
<u>Deciduous</u>	24" height or spread	N/A
<u>Evergreen</u>	18" height or spread	N/A

* At least fifty percent (50%) of the deciduous shade trees required for installation in parking lots shall have a minimum caliper of two and one-half inches (2-1/2").

c. Source Standards

All plant materials installed on a site shall have been grown in conformance with and use the American Standard for Nursery Stock, provided however that the Land Use Administrator may approve the transplanting of trees or shrubs for the purpose of achieving a larger size specimen at initial installation when such transplanting is done in accordance with accepted horticultural and silvicultural practices.

4-12-8 STANDARDS FOR STRUCTURAL ELEMENTS - FENCES, WALLS AND
BERMS

a. Fence and Wall Details

All permitted fences and walls shall be situated on a lot in such a manner that the finished side of the fence shall face adjacent properties. No fence shall be erected of barbed wire, topped with metal spikes, or constructed of any material or in any manner which may be dangerous to persons or animals, except that these provisions herein shall not apply to farms when fences are used for

customary farming purposes and except further that fences permitted for industrial uses may be topped by a barbed wire protective barrier. All barbed wire-topped fences shall be faced into the property.

- (1) Except as stipulated above, a fence or wall shall not be more than four (4) feet in height along the front lot line and within the front yard setback and six (6) feet in height along a side lot line and rear lot line.
- (2) Fences should compliment the structural style, type and design of the principal building. Fences of natural materials such as wood planks, rails or pickets are preferred given their consistency with rural environments.
- (3) Fences which are determinged to be inferior in quality and therefore not maintenance free (except for painting or refinishing) by the Land Use Administrator are prohibited.

- (4) Solid fences are more appropriately used adjacent to or attached to buildings as architectural extensions or as structural buffer elements. Careful consideration should be given to coordination with the lines, materials and color of the principal structure.
- (5) Plantings shall be considered as part of any fencing plan.
- (6) Metal fences, when used to enclose electrical supply stations having energized electrical conductors or equipment or other similar facilities, shall be a minimum of seven (7) feet in height and shall be effectively grounded.
- (7) A dog run or privacy area may have fencing a maximum of six (6) feet in height, provided that such area is located in rear yard areas only and is set back from any lot line at least fifteen (15) feet.

(8) A tennis court area, located in rear yard areas only, may be surrounded by a fence a maximum of twelve (12) feet in height, said fence to be set back from any lot line At least fifteen (15) feet.

(9) An in-ground swimming pool shall be surrounded by a suitably secure fence with a self-latching gate at least five (5) feet but not more than six (6) feet in height.

b. Berms and Earthform Details

All berms and earthforms required or otherwise proposed for use shall conform with the following standards:

(1) The maximum side slope shall be three horizontal to one vertical (3:1) and the design shall be reviewed to ensure that proper erosion prevention and control practices have been utilized.

(2) Berms and earthforms shall be designed with physical variations in height and alignment throughout their length.

- (3) Landscape plant material installed on berms and earthforms shall be arranged in an irregular pattern to accentuate the physical variation and achieve a natural appearance.
- (4) The landscape plan shall show sufficient detail, including a plan and profile of the berm or earthform, soil types and construction techniques to demonstrate compliance with the above provisions.
- (5) Berms and earthforms shall be located and designed to minimize the disturbance to existing trees located on the site or adjacent thereto.
- (6) No part of any berm or earthform which is elevated more than eighteen inches (18") above natural grade shall be located within ten feet (10') of any right-of-way or property line.

4-12-9 MAINTENANCE OF LANDSCAPING AND BUFFERING

The property owner, or his successors, shall be responsible for the perpetuation and maintenance of all landscaping, fencing, and buffering materials required by this Ordinance as shown on an approved landscape plan. Failure to maintain such landscaping, fencing and buffering shall be deemed a violation of this Ordinance.

a. Vegetation Maintenance

All plant material required by this Ordinance or as shown on the plan shall be tended and maintained in a healthy growing condition, replaced when necessary, and kept free of refuse, litter, and debris.

b. Buffer Maintenance

All fences, walls, and buffering required by this Ordinance or shown on the plan shall be maintained in good repair and kept free of refuse, litter, and debris. Earthen berms shall be maintained to prevent soil erosion and berm collapse.

- c. Replacement Vegetation to Conform to Approved Plan
- All landscaping material shown on the plan which may subsequently be replaced on the site shall conform with the original approved landscape plan with respect to size and characteristics of the plantings. In meeting the terms of this section, the replacement of mature trees on site shall require the installation of trees of a similar species.

4-13 PERFORMANCE STANDARDS

4-13-1 PURPOSE AND INTENT

It is the purpose and intent of these regulations to minimize the adverse effects associated with emissions which occur as a result of various land use activities, particularly industrial use.

4-13-2 PLAN OF DEVELOPMENT SUBMITTAL REQUIREMENTS

Upon request by the plan-approving authority, given the nature of extractive, heavy commercial and industrial activities, the applicant shall submit a certified engineer's report describing the proposed operation, all machines, processes, products and by-products; stating the nature and expected levels of emission or discharge to land, air and water of liquid, solid or gaseous effluent and electrical impulses and noise under normal operations; and the specifications of treatment methods and mechanisms to be used to control

such emission or discharge. The plan-approving authority shall review the applicant's submission for compliance.

4-13-3 GENERAL REQUIREMENTS

a. Noise

(1) Standard

The number of decibels shall not exceed the maximum permitted for octave band, as set forth in Exhibit ____, as measured on the lot line of the existing or proposed emitting use:

EXHIBIT _____
PERMISSIBLE SOUND LEVELS AT PROPERTY LINES

<u>Octave Band (cycles per second)</u>	<u>Maximum Decibels</u>	<u>Maximum Decibel Adjacent to a Residential Use</u>
20 - 75	72	66
75 - 150	70	64
150 - 300	65	59
300 - 600	59	53
600 - 1,200	55	49
1,200 - 2,400	47	41
2,400 - 4,800	41	35
above 4,800	39	33

Agricultural uses are exempt from this provision.

(2) Measuring Methodology

For the purpose of measuring the intensity or frequency of sound, a sound level meter, octave band analyzer, and an impact noise analyzer shall be employed. The "C" network and the "slow" meter response of the sound level meter shall be used. Sounds of short duration, which cannot be measured accurately with the sound level meter, shall be measured with an impact noise analyzer to determine the peak value of the impact. For sounds so measured, the sound pressure levels set forth above in subsection 1 may be increased by six

decibels. Sounds produced by the operation of motor vehicles or other transportation facilities shall not be included in determining the maximum permitted decibel levels unless associated with a mining activity.

b. Vibration

(1) Standard

The maximum steady-state vibration displacement in inches per second shall be as follows:

- 0.02 when measured at the property line of an adjoining residence.
- 0.05 when measured at a lot line adjacent to the vibrating activity.

Impact vibrations may be at twice the maximum for steady-state vibration.

(2) Measuring Methodology

Steady state vibrations (discrete pulses that occur more frequently than 60 times per minute), impact vibrations (earth-borne oscillations occurring in discrete pulses at or less than 60 pulses per minute), and vibration frequency (number of oscillations per second) shall be measured with a three-component measuring system. The displacement shall be the maximum instantaneous vector sum of the amplitude in the three directions.

c. Air Pollution

The rules and regulations of the State Air Pollution Control Board shall apply to the emission of air contaminants from any source associated with any land use activity.

d. Steam

No visible emissions of steam, having an equivalent capacity greater than sixty percent (60%) and excepting direct results of combustion,

shall be permitted within five hundred (500) feet of a residence.

e. Heat

Any activity producing intense heat or glare, shall be carried out in such a manner as not to be perceptible at or beyond any lot line.

f. Glare

Required lighting, or lighting permitted by this Ordinance shall not produce glare in excess of 0.5 candles next to any residential dwelling.

g. Radioactivity

Radioactive emissions shall comply with the regulations of the U.S. Atomic Energy Commission set out in Chapter 1 of Title 10 of the Code of Federal Regulations which apply to byproduct material, source material and special nuclear material, as those terms are defined in section 11e., z., and aa. of the Atomic Energy Act of 1954, as amended 42 U.S.C. 2014(e), (z), and (aa),

and the Radiation Health and Safety Act of 1968 (PL 90-602), as amended, or the implementing regulations of the Virginia Department of Health.

h. Solid Waste and Liquid Pollution

The discharge or other release of liquid or solid waste into public or private sewerage disposal and treatment systems, storm drains, or public waters shall comply with all applicable laws, rules, and regulations governing such discharge or release, including but not limited to the Federal Water Pollution Control Act and the Virginia Water Control Law.

i. Toxic Matter

The emission of chemicals, gases, components, or elements listed as being toxic matter by the Environmental Protection Agency or any state regulatory boards, including the State Water Control Board and State Air Pollution Control Board, shall only be permitted if the emissions comply with regulatory standards. An entity emitting toxic matter shall advise local emergency

service (fire and rescue) facilities of such so that emergency service personnel will be able to respond knowledgeably and effectively in the event emergency services must be administered

j. Odor

No odor shall be emitted that is detectable by the human sense at or beyond an adjacent lot line so as to be detrimental or injurious to the life, health, safety, comfort, or welfare of adjacent occupants or residents. There is hereby established as a guide in determining such quantities of offensive odors, Table III (Odor Thresholds) in Chapter 5 of the Air Pollution Abatement Manual published by the Manufacturing Chemists Association, Inc. Odors associated with permitted agricultural operations are exempt from this requirement.

4-14 EASEMENTS

4-14-1 PURPOSE AND INTENT

It is the intent and purpose of these regulations to facilitate the limited use of private property for the public good for purposes such as conservation of resources, and the location of private driveways and utility systems.

4-14-2 PLAN OF DEVELOPMENT SUBMISSION REQUIREMENTS

Plans of development shall indicate the location and purpose of all existing and proposed easements. Easements which are a part of any development approval shall be recorded in the Courthouse before a Certificate of Certification is issued by the Land Use Administrator.

4-14-3 GENERAL REQUIREMENTS

a. Location and Use

- (1) Utility and driveway easements shall be avoided to the greatest extent possible in areas designated as Resource Protection Areas (RPAs) or other areas possessing significant and sensitive natural and cultural resources.
- (2) Utility easements in private rights-of-way or in common-use recreation areas may be permitted by the plan-approving authority provided design considerations of the proposal warrant such easements. Necessary franchise and utility construction permits shall be obtained from the Virginia Department of Transportation for utilities constructed in easements within public rights-of-way.
- (3) All utilities, poles or underground conduits for electric power lines or telephone lines shall be placed in alleys if such are provided or in easements appropriately

located, generally along the rear or side lot lines whenever this is possible.

- (4) Easements for natural drainageways and other drainage facilities, retention basins and other permanent erosion and sediment facilities shall be provided in accordance with the requirements of this Ordinance.
- (5) No building or structure shall be constructed within any easement without the authorization of the plan-approving authority, other appropriate agencies and the holder of the easement.
- (6) Where a proposed development is traversed by any stream, watercourse, or drainageway, the developer shall make adequate provision for the proper drainage of surface water, including the provision of drainage easements along such streams, watercourses, and drainageways.

(7) Easements to protect areas for conservation purposes (conservation easements) are encouraged to be used for the:

- Preservation of land areas for outdoor recreation by, or the education of, the general public.
- Protection of relatively natural habitats of fish, wildlife, or plants, or similar ecosystems.
- Preservation of open space, including farmland and forest land, for scenic enjoyment or pursuant to the Comprehensive Plan provided such open space preservation yields a significant public benefit.
- Preservation of historically important land areas or buildings.

b. Sufficient Width

Easements shall be of sufficient width to permit the use for which provided and shall include the right of ingress and egress over the easement area for installation and maintenance. The agent may require that easements for drainage or road access through adjoining property be provided by the developer. Easements for water, sewer, power lines, telephone and other utilities shall not be less than ten (10) feet in width.

4-15 STORAGE AND WASTE DISPOSAL

4-15-1 PURPOSE AND INTENT

It is the intent of Richmond County that stored goods and the solid waste generated by the citizens and businesses of the County be responsibly stored, dispensed, and disposed.

4-15-2 PLAN OF DEVELOPMENT SUBMISSION REQUIREMENTS

All plans of development shall demonstrate compliance with the requirements of this Section.

4-15-3 GENERAL REQUIREMENTS

a. Recycling

Applicants of plans of development shall evaluate alternative recycling plans and propose one for their development which increases the likelihood of source separation and waste disposal reduction.

For example, developers could consider innovative designs both inside and out to make recycling more convenient and accessible to businesses and residents. Every plan of development proposal can provide that space be allocated inside or outside buildings for recycling separation bins.

b. Storage and Waste Disposal

- (1) Any operation, use or any activity involving the manufacture, utilization, or storage of flammable, combustible and/or explosive materials shall be conducted in accordance with state and federal regulations.
- (2) All outdoor storage facilities for fuel, raw materials and products stored outdoors, shall be enclosed by an approved safety fence and suitable landscaping to screen such areas from public view.
- (3) No materials, wastes or other substance shall be stored or maintained upon a lot in such a manner that natural runoff from such areas can impair the existing water quality of a

stream, watercourse or aquifer more so than the primary use intended for the lot without such storage.

- (4) All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers which are adequate to eliminate such hazards.

c. Refuse Collection

Dumpsters, or an alternate method of collection approved by the plan-approving authority, shall be required for mobile home parks and for multi-family, commercial and industrial developments. The following standards shall apply:

- (1) Dumpsters or other approved collection receptacles shall be located on the site so that service vehicles will have convenient and unobstructed access to them. The

location shall be such that encroachment by service vehicles upon pedestrian ways, parking spaces, or vehicular circulation drives will be minimized.

(2) Dumpsters or other approved collection receptacles shall be screened from view on all sides by fencing, gates, shrubbery or building walls except where the plan-approving authority determines that such screening is not necessary because other screening such as buildings, fences or landscaping is in place.

(3) Dumpsters shall be positioned upon dumpster pads constructed in accordance with all applicable Health Department standards for construction and drainage.

4-16 EMERGENCY SERVICES

4-16-1 PURPOSE AND INTENT

The purpose and intent of this Section is to ensure the adequacy of fire protection and emergency services to all citizens of the County.

4-16-2 PLAN OF DEVELOPMENT SUBMITTAL REQUIREMENTS

Plans of development shall demonstrate compliance within the requirements of Section 4-16-3.

4-16-3 GENERAL REQUIREMENTS

a. Fire Protection

(1) Access

All buildings on a site shall be readily accessible to emergency vehicles and apparatus.

(2) Fire Lane/Fire Apparatus Space

At a minimum, a building shall have twenty-five percent (25%) of its perimeter fronting on a public or private street or on a fire apparatus space unobstructed for at least thirty (30) feet in width. Depending on a building's design configuration and use, as well as the location of its entrances, fire apparatus space or a fire hydrant, this requirement may be modified by the plan-approving authority. A fire apparatus space shall be accessible from the street by a posted fire lane at least twelve (12) feet in width. Fire lanes and fire apparatus spaces shall be posted by appropriate signage and pavement markings. These areas shall not be obstructed so as to impede fire apparatus access. Fire lanes need not be separate accessways but may be incorporated as part of an individual site's access driveway system or off street parking aisles, so long as they are properly posted.

(3) Fire Hydrants

Fire hydrants shall be located along all street rights-of-way in areas served by central water systems. Notwithstanding these requirements, hydrants and other fire suppression systems shall comply with all state standards. In areas not served by public water, the County may require the installation of a deep well with a hydrant system, a screened standpipe in a perennial stream, sprinkler systems or other fire suppression system necessary to ensure an adequate level of emergency services.

(4) Plan of Development Disapproval Given Inadequate Fire Protection Capability

No major plan of development shall be approved without receipt of comments from the fire department serving the site regarding its ability to serve the site if this input is deemed necessary by the plan-approving authority. A plan of development may be disapproved based solely on the finding that the fire department is unable to adequately serve the site.

4-17 WATERFRONT FACILITY DESIGN

4-17-1 PURPOSE AND INTENT

It is the intent of Richmond County that public access to waterways be adequately provided and properly designed, particularly as it relates to boating facilities, and in such a way that the environmental quality of shorelines is not compromised.

4-17-2 PLAN OF DEVELOPMENT SUBMITTAL REQUIREMENTS

- a. For shoreline development which include docks, piers, marinas, boat ramps and other water-related development a joint Virginia Marine Resources Commission (VMRC) permit application for filling, dredging, or construction in wetlands or waterways shall be submitted by the developer with the plan of development. The joint application will be forwarded to VMRC which will coordinate permit review with the County Wetlands Board, the U.S. Army Corps of Engineers and other local state and federal agencies as required.

- b. The preliminary plat or site plan shall show the location of all proposed docks, piers, marinas, boat ramps, community water access and other water-related structures and facilities, together with water depths by contours or otherwise, current flow directions, tidal action, and the location and extent of beaches, wetlands, swamps, subaquatic vegetation and shellfish beds. Reference may be made to Richmond County Resource Information System Maps.
- c. Design of waterfront facilities or construction in wetlands and other subaqueous areas shall comply with this Ordinance and the Subaqueous Guidelines and Criteria for Siting of Marinas or Community Facilities for Boat Mooring of the Virginia Marine Resources Commission, Virginia Institute of Marine Science Wetlands Guidelines and other applicable state and federal guidelines, criteria and regulations.
- d. Marinas
- The County shall require and utilize the following information in its review of marina proposals:

- (1) Existing natural shoreline and backshore features and uses;
- (2) Geo-hydraulic processes and flushing characteristics;
- (3) Biological resources and habitats for the backshore, foreshore and aquatic environments;
- (4) Area of surface waters appropriated;
- (5) Site orientation; exposure to wind, waves, flooding or tidal/storm surges; type and extent of shore defense works or shoreline stabilization and flood protection necessary;
- (6) Impact upon existing shoreline and water uses including public access and recreation;
- (7) The regional need for additional facilities; and
- (8) The location and design of the facilities, including information pertaining to the

prevention and control of fuel spillage, collection, treatment and/or disposal of sewage and solid waste, shoreline modifications, covered and open moorage location, size and general design, and impact on shoreline views in the marina and from adjacent private and public properties.

e. Piers and Docks

Proposals for piers or docks shall include at a minimum the following information:

- (1) Description of the proposed structure, including its size, location, design and any shoreline stabilization or other modification required by the project;
- (2) Ownership of tidelands, shorelands or bedlands;
- (3) Proposed location of piers or docks relative to property lines and mean high water; and
- (4) Location and length of piers or docks on adjacent properties.

f. Boathouses

Proposals for or including boathouses shall include the location, size and design of the facility in addition to an assessment of its impact on shoreline views from the waterbody and adjacent properties.

4-17-3 PUBLIC ACCESS

a. No development which is not water dependent shall block or interfere with the normal public use of or public access to publicly-owned shorelines and water bodies.

b. All developments shall be designed to protect and enhance views and visual access and public access to the water and shorelines.

c. All developments, whether recreational, residential or commercial, located along public shorelines or unique shoreline areas may be required to provide view corridors, public accessways, trails easements or other amenities upon a determination by the County that the action

would enhance public enjoyment of the shoreline and not unduly conflict with the proposed use, adjacent uses or public safety nor adversely impact the shoreline environment.

- d. Any required public access easement shall be of a size and design appropriate to the site, size and general nature of the proposed development. Such easements shall be recorded on a property deed or face of a plat as a condition running in perpetuity with the land.
- e. Signs which indicate the public's right of access shall be installed and maintained in conspicuous locations at required public access sites. Public use may be limited to daylight hours.
- f. As far as possible, public access sites shall have direct and easy access from the street.
- g. Public access may be considered infeasible and not be required where:

- (1) Unavoidable hazards to the public in gaining access exist;

(2) Inherent security requirements cannot be satisfied;

(3) Unavoidable interference with the use would occur;

(4) The cost of providing the access is unreasonably disproportionate to the total cost of the proposed development; or

(5) Public access at the particular location cannot be designed or developed to provide an interesting or pleasant view or recreational experience.

h. Public access to the shoreline shall be required on all public property, except as follows:

(1) In harbor areas completely occupied by water-dependent uses; or

(2) In street ends or waterways occupied by water-dependent uses under permit or lease.

i. Public access shall be required on private

property for all non-water-dependent uses on waterfront lots which are:

(1) Non-residential; or

(2) Developed as a major plan of development; or

- j. Required public access sites shall be fully developed and available for public use at the time of occupancy of the development.

4-17-4 GENERAL STANDARDS FOR PUBLIC ACCESS FACILITIES

- a. Boating facilities should be located and designed to minimize adverse effects upon, and to enhance if possible, beneficial shoreline geo-hydraulic processes such as erosion, littoral or riparian transport and accretion, as well as scarce and valuable shore features including accretion shoreforms and natural wetlands.
- b. Areas which have been identified as hazardous due to storm tides, high winds or flooding should not be considered as potential marina sites.

- c. Shallow water embayments with poor flushing action should not be considered for marina sites.
- d. Boating facilities should be located, designed and operated to provide maximum feasible protection and enhancement of all forms of aquatic, littoral or land life forms including animals, fish, shellfish, birds and plants, their habitats and their migratory routes. To the extent possible, marinas should be located in areas of low biologic productivity.
- e. Boating facilities should be located and designed so that adjacent fragile or unique natural and cultural features are preserved or enhanced.
- f. Regional as well as local needs may be considered when determining the location of marinas.
- g. Marinas and public use launch ramps are preferred over the development of individual docking facilities for private, non-commercial pleasure craft. The use of boat launching ramps and dry storage of recreational boats or other new technologies should be considered as alternatives

to boathouses.

- h. Boating facilities should be located and designed so their structures, other features and operations will be aesthetically compatible with or will enhance the area visually affected, and will not unreasonably impair shoreline views of local residents and user groups.
- i. Boating facility development shall comply with all applicable state and federal regulations including, but not limited to, the design of bulkheads, fills and marinas, regulations pertaining to marinas, U.S. Army Corps of Engineers dredging standards, and state and federal standards relating to the storage of fuels and toxic materials.
- j. Structures shall be built to conform to the County building code, withstand stresses from storms and weather or damage by fire, and that exterior wall and roof coverings shall be of noncombustible or fire-retardant treated material and so certified or labeled.

- k. Multiple use and expansion of existing piers, wharves and docks should be encouraged over the addition and/or proliferation of new facilities. Joint use facilities are preferred over new single use piers and docks.
- l. The use of mooring buoys should be encouraged in preference to either piers or docks.
- m. All waterfront access facilities shall be constructed and maintained in a safe and sound conditions. Abandoned or unsafe facilities shall be removed or repaired promptly by the owner. Where any such structure constitutes a hazard to the public, the County may, following notice to the owner, abate the structure if the owner fails to do so within a reasonable time and may impose a lien on the related shoreline property in an amount equal to the cost of the abatement.

4-17-5 MARINAS AND PUBLIC BOAT RAMPS

- a. Marina facilities should be designed to accommodate public access and enjoyment of the

shoreline location, including provisions for walkways, view points, rest room facilities and other recreational uses according to the scale of the facility.

- b. Marinas and boat launch ramps shall locate on stable shorelines where water depths are adequate to eliminate or minimize the need for offshore or foreshore channel construction dredging, maintenance dredging, spoil disposal, filling, beach feeding and other river, lake, harbor and channel maintenance activities.
- c. Marinas and boat ramps shall locate in areas where there is adequate water mixing and flushing and shall be designed so as not to retard or negatively influence flushing characteristics.
- d. Marina and boat ramp entrances shall not be located near beaches commonly used for swimming or valuable commercial fishing areas.
- e. Marine railways for boat launching shall be located on the existing grade where feasible and shall not obstruct shoreline access.

- f. All covered moorages at a marina shall be of similar and/or compatible design, color, length and height; and shall be constructed in contiguous groups or modules as part of the overall project.
- g. Marinas and launch ramps shall be located, designed and operated so that neighboring water-dependent uses and residential areas are not adversely affected, whether such other uses are existing or planned.
- h. Marinas and boat ramps shall not locate at or along:
 - (1) Significant littoral drift sectors, including resource material areas, such as feeder bluffs and accretion beaches, points, spits and hooks;
 - (2) Marshes, bogs, swamps and lagoons;
 - (3) Estuaries;
 - (4) Fish and shell fish spawning and rearing areas; or

- (5) Poorly-flushed lagoons and backwaters.
- (6) Along meandering river channels where the channel is subject to change in direction or alignment or on point bars and other accretion beaches.
- i. River marinas and boat ramps shall be located so as not to adversely affect flood channel capacity or otherwise create a flood hazard.
- j. Proposals for marinas shall include boat launch facilities unless the applicant can demonstrate the infeasibility of providing such facilities.
- k. Marina design shall provide thorough flushing of all enclosed water areas and shall not restrict the movement of sea life requiring shallow water.
- l. The marina design shall minimize interference with geo-hydraulic processes and disruption of existing shore forms.
- m. All signs shall adhere to the policies and regulations for signs EXCEPT that a marina or boat

ramp facility may add no more than one advertising sign oriented to the water, not exceeding ten (10) feet in total height. Signs for fueling facilities shall not exceed fifteen (15) feet in total height. No sign shall exceed twenty-five (25) feet in area.

n. Views from upland lots shall be preserved, and public viewpoints or viewing areas shall be provided by the developer so the public can observe marina activity. Landscape plans shall mitigate adverse development impacts on adjacent properties, and protect and enhance views from upland areas.

o. Provisions for public access, both visual and pedestrian, shall be an integral part of all marina development and designed to be aesthetically compatible with adjacent areas and commensurate with the particular proposal. Examples include artificial pocket beaches created by foreshore defense structures, pedestrian bridges to offshore structures, fishing or viewing platforms, and underwater diving and viewing platforms. Marinas and boat ramps shall be

designed so that existing or potential public access along beaches is not unnecessarily blocked nor made dangerous and public use of the surface waters below the high water line is not unduly impaired.

- p. Dredging in coastal waters for recreational boating facilities shall be limited to the minimum necessary for new entrance channels to reach basins dredged out of dry land areas; for deepening water a few feet in existing and proposed berthing areas; and for maintenance dredging. Dredging wetland areas above mean low water to accommodate new or expanded boating facilities is prohibited.
- q. Filling in water bodies or natural wetlands to create usable land space for accessory marina uses is prohibited unless no alternatives exist and adverse impacts to flora and fauna are minimized.
- r. Where wet moorage is offered, pump-out, holding and/or treatment facilities shall be provided by the marinas for sewage contained on boats or vessels. They shall be located so as to be

conveniently available to all boats. The responsibility for the adequate collection and dumping of marine originating sewage, solid waste and petroleum waste is that of the marina operator.

s. All pipes, plumbing, wires and cables at a marina site shall be placed at or below ground and dock levels.

t. All marinas shall provide rest rooms for boaters' use. They shall be kept clean, located within two hundred (200) feet from the dock or pier; there shall be one (1) toilet and handwashing facility for each sex per fifty (50) moorage sites; signs shall be posted so that the rest rooms are easily identifiable.

u. Marina operators shall post the following signs where they are readily visible to all marina users:

(1) Regulations pertaining to handling and disposal of waste, sewage or toxic materials;

- (2) Regulations prohibiting the use of marine toilets while moored unless these toilets are self-contained or have an approved treatment device; and
 - (3) Regulations prohibiting the disposal of fish or shellfish cleaning wastes, scrapfish, viscera or unused bait in or near the marina.
- v. Garbage or litter receptacles shall be provided and maintained by the marina operator at several locations convenient to users.
 - w. The dock facilities shall be equipped with adequate lifesaving equipment such as life rings, hook and ropes.
 - x. Adequate fire protection shall be required.
 - y. If dredging at marina entrances changes the littoral drift processes and adversely affects adjacent shores, the marina operator shall be required to periodically replenish these shores with the appropriate quantity and quality of aggregate.

- z. Space for transient moorage shall be provided.

4-17-6 PRIVATE BOAT RAMPS

- a. Boat ramps are permitted on stable non-erosional banks, where no or a minimum number of current deflectors or other stabilization structures will be necessary.
- b. Boat ramps are permitted for individual residences where the upland slope within twenty-five (25) feet of mean high water does not exceed fifteen (15) percent and where substantial cutting, grading, filling or defense works are not necessary.
- c. Boat launching ramps and minor accessory buildings and haul out facilities shall be designed to be in character and scale with the surrounding neighborhood.
- d. Ramp structures shall be built from flexible, hinge-segmented pads which can adapt to changes in beach profiles.

- e. Ramps shall be placed and kept flush with the shore slope to minimize the interruption of geohydraulic processes.

4-17-7 COVERED MOORAGES/BOATHOUSES

- a. Covered moorages and boathouses are not permitted in areas identified in the Comprehensive Plan as possessing high scenic value or where open water views are important.
- b. The maximum height for covered moorages and boathouses is twenty-five to thirty-five (25-35) feet above mean high water.
- c. Boathouses are not permitted to serve individual lots created after the effective date of this Ordinance.

4-17-8 PIERS AND DOCKS

- a. General Standards

Piers and docks should be designed to cause

minimum interference with the public use of the water surface and shorelines.

1. Piers and docks should allow for a maximum of littoral drift and should minimize interference with basic geo-hydraulic processes.
2. Piers and docks and their associated activities should conserve and enhance water quality, fish, shellfish and wildlife resources and habitats.
3. Pier and dock projects are encouraged to provide for public access docking, launching and recreational use.
4. Piers and docks shall be consistent with the following criteria:
 - (a) Important navigation routes or marine-oriented recreation areas will not be obstructed or impaired;
 - (b) Views from surrounding properties will

not be unduly impaired;

b. Number

- (1) New subdivisions shall be required to provide community docks. The development of piers or docks on individual lots shall not be permitted unless the site does not allow a community facility of sufficient size to serve all the residents of the subdivision.
- (2) For lots existing at the time this Ordinance is adopted, no more than one private, non-commercial dock is permitted per platted shoreline lot or unplatted shoreline tract owned for residential or recreational purposes.

b. Use of Piers vs. Docks

- (1) On river shorelines, only docks shall be permitted. Such facilities shall be securely anchored to pilings to allow for changes in river level and shall be able to withstand 100-year frequency flooding.

(2) The use of docks shall be required in preference to piers in areas where scenic values are high and conflicts with recreational boaters and fishermen will not be created.

(3) Open-pile piers shall be required in preference to docks in areas where shore trolling is important, where there is significant littoral drift and where scenic values will not be impaired.

c. Size

The size of a pier or dock should not exceed that which is required for the water-dependent purposes for which it was constructed.

d. Length

(1) Maximum length of a pier or dock shall be only so long as to obtain a depth of eight (8) feet of water as measured at mean low water on salt water shorelines or as measured at mean high water in fresh water shorelines, except that the length of any pier or dock

shall not exceed the lesser of fifteen (15) percent of the fetch or one hundred fifty (150) feet on saltwater shorelines and forty (40) feet on fresh water shorelines.

(2) If there are existing docks within three hundred (300) feet of side property lines:

- Single use docks shall be no longer than the average length of those docks as measured from mean high water.
- Community docks shall be no longer than fifteen (15) feet greater than the average length of existing single use docks as measured from the mean high water.

(3) If there are no existing docks within three hundred (300) feet of side property lines, proposals for piers and docks shall show reasonable justification to exceed forty to fifty (40-50) feet in length from mean high water.

e. Width

(1) For private, single use docks, maximum length parallel to shore should not exceed eight to ten (8-10) feet.

(2) For community piers and docks, maximum width will be permitted by the County on a case-by-case basis.

f. Height

Docks shall not exceed three (3) feet in height above mean high water on the landward side.

g. Sideyard Setback

Docks shall be setback a minimum of thirty (30) feet from side property lines, EXCEPT that community piers and docks may be located adjacent to or upon a side property line when mutually agreed to by contract with the owners of the adjacent property, a copy of which must be filed with the application for permit.

h. Density

(1) Community docks and piers shall include no

more than one (1) moorage space per dwelling unit or lot.

- (2) Piers and docks for use by the general public shall include no more than one moorage for each ten (10) feet of waterfront up to two hundred (200) front feet plus one (1) moorage for each additional five (5) front feet.

i. Construction

- (1) Pilings must be structurally sound and cured prior to placement in the water.
- (2) Piers shall utilize the minimum number of pilings necessary, favoring large spans on fewer pilings over smaller spans on more pilings.
- (3) Pilings employed in piers or any other structure shall have a minimum vertical clearance of one (1) foot above extreme high water.
- (4) All docks shall include stops which will

serve to keep the floats off the tidelands at low tide.

(5) If a bulkhead-like base is proposed for a fixed pier or dock where there is net positive littoral drift, the base should be built landward of mean high water or protective berms.

(6) When plastics or other non-biodegradable materials are used in pier construction, precautions shall be taken to insure their containment.

(7) Overhead wiring or plumbing is not permitted on piers or docks.

4-17-9 COMMUNITY AND PUBLIC RECREATIONAL PIERS AND DOCKS

a. Major plans of development including but not limited to resourts and Rurul Villages proposing to provide moorage facilities shall be required to construct single, joint use moorage facilities, provided that the County may authorize more than

one joint use moorage facility if a single facility would be inappropriate or undesirable given the specific conditions of the site.

- b. Proposals for community piers and docks shall demonstrate that adequate maintenance of the structure and the associated upland area will be provided.
- c. In addition, all recreational piers or docks which are intended for use by the general public shall comply with the following regulations:
 - (1) An adequate number of approved solid waste containers shall be located conveniently for boater utilization.
 - (2) The dock facilities shall be equipped with adequate lifesaving equipment such as life rings, hook and ropes.
 - (3) Every facility shall be maintained in good repair and free from safety hazards.
 - (4) Boaters should not use their marine toilets

while moored unless these toilets are self-contained or have an approved treatment device. Signs stating this shall be posted where they are readily visible to all boaters.

- d. Community and public recreational piers and docks may be required to provide facilities for dumping holding tanks.

4-17-10 MOORING BUOYS

- a. Mooring buoys shall be located as close to the shore as possible. They shall not be located farther waterward than existing mooring buoys unless the drift of the boat dictates this.
- b. Buoys must be discernible under normal daylight conditions at a minimum of one hundred (100) yards and must have reflectors for nighttime visibility.
- c. Only one mooring buoy will be allowed per waterfront lot unless there is a demonstration of greater need. Such demonstration may include a

community park or residential development where
lot owners both on and away from the shoreline
share a shoreline open space area.

4-18 ROSCO DESIGN STANDARDS

4-18-1 PURPOSE AND INTENT

The continuation of Richmond County's traditional land use pattern of rural villages, towns and farmsteads surrounded by open space, in which traditional occupational pursuits such as agriculture occur and critical and significant environmental and cultural resources are protected, requires supplementary design standards to the zoning provisions of Section 3-11. These standards will assist in ensuring that the intent and purpose of this Ordinance as it relates to the predominant patterning of land development initiatives within the County is more clearly enunciated. Where there are conflicts between these provisions and those in other sections of Article 4, these provisions shall apply.

4-18-2 PLAN OF DEVELOPMENT SUBMITTAL REQUIREMENTS

In addition to the plan of development submittal requirements of Article 2 and the other sections of

Article 4, the applicant shall submit the following information as applicable:

- a. All land proposed to be designated as village and its components, hamlet, "ROSCO Buffer" and "ROSCO Conservancy" shall be identified by the applicant in his submission to the Land Use Administrator.
- b. Documentation that applicant has sufficient control over all lands to be designated.
- c. The following statistics:
 - (1) number of single family homes;
 - (2) number of acres proposed for various village components;
 - (3) number of acres proposed for "ROSCO Buffer";
 - (4) number of acres proposed for "ROSCO Conservancy"; and
 - (5) number of acres proposed for future expansion.

- d. Conceptual development plan depicting general configuration of land uses and roads and points of access to the existing state road system.
- e. Plan for "ROSCO Conservancy" land including location, plats, uses, and easements.
- f. Plan for "ROSCO Buffer" land including location, plats, uses, easements and maintenance plan.
- g. A detailed development plan showing designated use areas (civic lots, greens, storefront, townhouse, house, village workplace and any future village expansion areas).
- h. Supporting documentation including conservation easements, outside agency permits, proffers, homeowner association documents; performance guarantee for improvements, deeds of dedication, and covenants for greens, other civic lots.
- i. Statement from applicant that, in the event his application is approved, he is:

(1) willing to dedicate conservation easements

limiting the use of "ROSCO Conservancy" and buffer areas to specific uses consistent with the provisions of this Ordinance;

(2) willing to provide the road improvements necessary to accommodate the proposed development;

(3) willing to provide the water and wastewater facilities and systems necessary to accommodate the proposed development and is willing to dedicate easements or take other necessary steps to comply with the intent of this Ordinance.

4-18-3 RURAL VILLAGE AND HAMLET OBJECTIVES

a. General Intent

To provide for living and working opportunities in a traditional rural village and hamlet. Specific objectives include:

(1) the creation of a distinct physical settlement surrounded by a protected rural

landscape of generally open land used for agricultural, forestal, recreational and environmental protection purposes;

- (2) a strong sense of community identity based on a shared, coherent, functionally efficient physical environment and a shared economic, political, social and cultural environment;
- (3) modestly sized buildings fronting on, and aligned with, streets in a disciplined manner, uninterrupted by parking lots;
- (4) civic buildings for assembly, or for other civic purposes, that act as visual landmarks and symbols of identity within the community;
- (5) a development size and scale which accommodates and promotes pedestrian travel rather than motor vehicle use for trips within the village or hamlet.
- (6) All or as many lots as possible will have views of former open spaces within greens and parks or long views of common open space and

the countryside.

4-18-4 GENERAL REQUIREMENTS - VILLAGE

- a. The village shall be arranged in a generally rectilinear network of interconnecting streets and blocks.
- b. The perimeter of a block shall generally range from 1,000 to 1,800 feet in length as measured along the property (right-of-way) line although block sizes may vary from this standard due to topographic, environmental and other valid design considerations.
- c. Each block which includes storefront and narrow frontage townhouse lots shall be designed to include an alley. Blocks of linked, wide frontage townhouse lots need not be designed to include an alley and rear parking.
- d. Similar land use types shall generally enfront one another while dissimilar land use types shall generally abut along alleys or rear property

lines.

- e. At the option of the developer, the village may include an unplatted "village expansion area" at its periphery, which area is reserved for future expansion of the village uses. Such area shall not encroach on or be counted as part of the buffer area.
- f. Village water and wastewater storage and/or treatment facilities shall be located outside or on the periphery of the village proper and shall be designed to minimize their adverse impact on the entire rural village and adjacent properties.
- g. Lot layout, path and sidewalk design shall ensure pedestrian access to each lot.
- h. The village shall contain well configured squares, greens, landscaped streets and parks woven into street and block patterns and dedicated to collective social activity, recreation, and visual enjoyment. The required main village green shall be located near the center of the village proper within or adjacent to the storefront area.

1. Village workplace lots shall front on village streets and not on village bypass roads.

4-18-5 TRANSPORTATION REQUIREMENTS - VILLAGE

- a. The village shall contain a hierarchy of streets, some narrow and convenient for a balanced mix of both pedestrians and automobiles while others are wider to carry greater traffic.
- b. The village must have at least two points of access to roads designated as a major or minor arterial or a major collector. New collector roads may be constructed by the applicant to connect the village proper with an existing major collector or arterials. Additional points of access are discouraged. County approval of any additional access points will be judged on the safety merits of the proposed design and on the basis of need.
- c. Rural villages must be accessed by hard surfaced roads of a design acceptable to the County and VDOT.

- d. Local and neighborhood streets serving rural villages will not be permitted direct access to arterials or major collector roads.
- e. Existing major and minor collector and arterial roads designated may not generally serve as internal streets within a rural village proper unless a new bypass road of similar function is provided.
- f. All internal and external roads and improvements thereto required for the appropriate design of a village shall be provided by the applicant.
- g. Roads and streets providing access to and vehicular circulation within a village proper shall be designated according to their functional hierarchy as follows:
 - (1) Village Major Collector--to provide primarily for traffic movement to the village
 - (2) Village Minor Collector Streets--to provide primarily for traffic movement within the village

(3) Village Subcollector and Tertiary Minor Collector Streets--to provide for traffic movement within the village between local streets and through streets and traffic access to civic, offstreet parking lots and other larger uses in the village

(4) Village Tertiary Streets--to provide for traffic access to individual lots within the village

h. Street patterns within the village shall be a network with variations as needed for topographic, environmental, traffic safety, the efficient movement of fire and emergency rescue vehicles and other valid design considerations.

i. Alleys shall be maintained by the homeowners' association.

j. Streets shall be designed generally to:

(1) Follow and preserve existing fence lines, tree lines, hedgerows and stone walls;

- (2) Minimize alteration of natural site features;
 - (3) Secure the view to prominent natural vistas;
 - (4) Minimize the area devoted to motor vehicle travel;
 - (5) Promote pedestrian movement so that it is generally more convenient and pleasant to walk short distances than to drive; and
 - (6) Promote the creation of vista terminations.
- k. All neighborhood and local streets shall terminate at other streets within the village proper and shall provide connections to existing or proposed through streets or collectors outside the village proper where practical.
- l. Sidewalks at least 8 feet wide shall be provided parallel to streets in all civic, storefront and townhouse areas. Sidewalks at least 4 feet wide shall be provided in all house and workplace areas so that all lots have access to a pedestrian network.

- m. Streetlights of 12-15 feet in height shall be provided along all sidewalks, at not more than 50-foot intervals, measured parallel to streets in storefront and townhouse areas. Streetlights in other areas of the village proper shall be provided along all streets at not more than 150-foot intervals measured parallel to streets, or more than 200-foot intervals measured diagonally across streets.

4-18-6 PARKING REQUIREMENTS

- a. Streetside Parking:

Continuous parallel parking shall be provided along streets where storefront and townhouse uses are predominant. Parallel parking is permitted along all other streets.

- b. Off-Street Parking Location and Access:

- (1) Off-street parking lots and areas shall generally be located at the rear of buildings.

- (2) No off-street parking shall be permitted in

the front yards of buildings located in the storefront, townhouse or village workplace areas, nor shall off-street parking be the principal use of corner lots in these areas.

(3) Any off-street parking space or parking lot in a storefront, townhouse, or civic area which abuts a street right-of-way shall be buffered from the right-of-way by a landscaped area no less than 4 feet wide, in which is located a continuous row of shrubs no less than 3-1/2 feet high, or by a wall no less than 4 feet and no more than 6 feet high.

(4) Adjacent parking lots shall have off-street vehicular and pedestrian connections.

(5) Off-street parking in the storefront and narrow frontage townhouse areas shall generally be accessible from an alley only.

(6) Garages or carports for house area lots shall not be located at a vista termination and shall be located a minimum of 20 feet behind

the street facade of the principal building, and if served by an alley, shall be set back at least 2 feet from the alley right-of-way. If connected to the house, the garage doors shall face the rear.

- (7) Off-street parking for village workplace area lots is permitted to the rear and side of the buildings only and shall not be permitted closer than 50 feet to any property line.
- (8) Off-street parking serving a particular lot may be reduced to the extent that the applicant can demonstrate that adequate parking is provided on-street and/or within a distance of 200 feet from the lot.
- (9) The Land Use Administrator may authorize certain unpaved and landscaped areas to be reserved for future required off-street parking, until such time as the Land Use Administrator and/or property owner determines that there is an actual demand for such parking.

4-18-7 LANDSCAPING REQUIREMENTS - VILLAGE

- a. Streets shall be planted on both sides with street trees no more than 40 feet apart.
- b. No less than 75% of the perimeter of the Village Green shall have frontage on a public street. No less than 25% of a small green, park, or square shall have frontage on a public street.
- c. Village workplace lots shall have at their perimeter a continuous landscaped buffer no less than 50 feet wide planted with trees and shrubs and/or a masonry wall, no less than 8 feet in height. In the case of an open storage lot such a wall shall be no less than 12 feet in height or the landscaped buffer shall be no less than 100 feet in width.
- d. The homeowners' association shall provide for maintenance of street trees and other community landscaping such as in village greens, parks and squares.

4-18-8 UTILITIES - VILLAGE

- a. Utilities should generally be located underground within street and alley rights-of-way; but not actually under street pavement unless a means of service access is provided which allows maintenance without disturbing the pavement.
- b. All above ground utility boxes and other facilities should be clustered and screened from street view.
- c. Each rural village shall be served by water and wastewater systems provided and constructed by the applicant. The water and wastewater facility proposal shall be accompanied with a financing plan for these utilities which is designed to obtain sufficient revenue from the system users to pay all operating, service and replacement costs. Systems shall comply with the requirements of Section 4-5. Individual water and sewer systems will not be permitted within the village.

4-18-9 LOT LAYOUT - VILLAGE

- a. The scale, proportion, color and materials of buildings shall exhibit relative commonality.
- b. Civic buildings and structures should be of materials, scale and colors compatible with each other and distinct from the character of other buildings in the village proper.
- c. Storefront buildings shall have at least 60% of their front facade coincident with their frontage. The principal entrance shall be from the front sidewalk.
- d. The construction of open colonnades over a sidewalk which adjoins storefront buildings may be permitted subject to an appropriate easement.
- e. Storefront buildings fronting on the same street and located on the same block shall be attached; provided, however, a limited number of pedestrian ways may be located between storefront buildings.
- f. Village workplace buildings shall have finish materials and fenestration on street facades and on any side facing a residential area which are

designed to ensure visual harmony.

4-18-10 GENERAL REQUIREMENTS - HAMLET

- a. The hamlet shall be arranged in response to the natural terrain or in a loose rectilinear pattern if sited on flat land. Hamlets should be sited so as to nestle, or blend in a subordinate way, into the existing landscape and should be designed to create a traditional hamlet massing profile.
- b. Lot layout and path design shall ensure pedestrian access to each lot.
- c. Hamlets may be located at the intersection of minor collectors but are encouraged to be located on their own subcollector and tertiary level streets adjunct to major collectors and arterials. Hamlets can also be located at the end of a dead end road or at the side of a watercourse or waterbody.

- d. Streets shall be designed generally to:

Follow and preserve existing fence lines, tree lines, hedgerows and stone walls;

Minimize alteration of natural site features;

Secure the view to prominent natural vistas;

Minimize the area devoted to motor vehicle travel;

Promote pedestrian movement so that it is generally more convenient and pleasant to walk short distances than to drive; and

Promote the creation of vista terminations.

- e. Streets shall be planted on both sides with street trees no more than 40 feet apart.

- f. If a hamlet green is provided, it shall be located in the interior of the hamlet. The width of the hamlet green is recommended not to exceed six times the height of the buildings fronting upon it.

- g. Lots should be located in a contiguous group with adjacent and fronting lots oriented towards each other as on a street or the hamlet green, and forming a distinct boundary with the surrounding countryside.
- h. The common open space surrounding the hamlet shall be at least 600 feet wide from the edge of a hamlet lot to the edge of the tract. This common area and the hamlet green shall be protected in perpetuity by a conservation easement.
- i. A homeowners' association shall be created to manage the common open spaces and to maintain street trees, paths, and alleys not in state highway system.
- j. Hamlet lots shall be served either by:
 - (1) Individual wells on each lot, or
 - (2) A community water system constructed by the developer.

(3) Connection with an existing town with an existing/proposed water system nearby.

- k. Hamlet lots not developed or proximate to an existing Town or an existing/proposed rural village, shall be served by a sewage disposal system located on the lot or off-lot in the perpetually eased common open space.

4-18-11 FARMSTEAD AND SINGLE FAMILY, LARGE LOT (SF,LF) OPTIONS

General Requirements

- a. Farmstead and SF,LF shall be sited in locations on a parcel in keeping with traditional farmstead positions in the landscape. Farmsteads and SF,LF should be located so as to maximize the view of surrounding farmlands.
- b. Trees of considerable ultimate height should be planted in locations maximizing shading potential. Evergreen should be massed to provide windscreens.

A single driveway tertiary grade road shall access the farmstead or SF,LF on a direct route from the right of way to the building envelope.

- c. The entrance shall not contain a development identification sign commonly associated with suburban housing developments but instead should contain a very simple, low key name plate.
- d. Mail boxes at the right of way should be identical and as inconspicuous as possible.
- e. The architecture and placement of principal and accessory buildings should mimic the general design of the traditional farmstead within Richmond County, the Northern neck and Tidewater Virginia.

4-19 DESIGNATION OF HISTORIC SITE DISTRICTS AND HISTORIC AND
CULTURAL CONSERVATION DISTRICTS

4-19-1 DESIGNATION

- a. Historic districts may hereafter be created, in accordance with Section 15.1-503.2 of the Code of Virginia, as amended, which shall be designated as either Historic Site (HS) districts or as Historic and Cultural Conservation (HCC) districts.
- b. Historic site district shall apply to landmarks, buildings or structures which meet the requirements for designation set out in the following sections. Historic and cultural conservation districting shall apply to areas, including rural areas, as opposed to specific landmarks, buildings or structures, which meet the requirements for designation set out in the following sections.

4-19-2 INTENT

- a. HS and HCC districts shall be created by resolution and provide a basis for the delineation of the HISTORIC RICHMOND overlay zoning district. HS and HCC districts are not zoning districts but are instead historic districts.
- b. HS and HCC districts are intended to effect and accomplish the protection, enhancement and perpetuation of especially noteworthy examples or elements of the County's cultural, social, archaeological, economic, religious, political or architectural history in order to:
 - (1) Foster civic pride and preserve an appreciation for the historic values on which the County and the Nation were founded;
 - (2) Maintain and improve property values;
 - (3) Protect and enhance the County's attraction to tourists and visitors;

(4) Provide for the education and general welfare of the people of the County; and

(5) Otherwise accomplish the general purposes of this Ordinance and the provisions of Chapter 11, Title 15.1, Code of Virginia of 1950, as amended.

4-19-3 CRITERIA FOR DESIGNATING HISTORIC SITE DISTRICTS AND HISTORIC AND CULTURAL CONSERVATION DISTRICTS

a. Criteria for Designating Historic Site Districts

The Board of Supervisors may create HS districts provided such districts meet one or more of the following criteria, as well as meet one or more of the purposes set forth in Section 4-19-2b above:

(1) Such district contains a landmark, building or structure on the National Register of Historic Places or the Virginia Landmark Register, or

(2) Such district meets one or more of the following local determination criteria:

Is closely associated with one or more persons, events, activities, or institutions that have made a significant contribution to local, regional, or national history; or

Contains buildings or structures whose exterior design or features exemplify the distinctive characteristics of an historic type, period or method of construction, or which represent the work of an acknowledged master; or

Have yielded, or are likely to yield, information important to local, regional or national history.

b. Criteria for Designating Historic and Cultural Conservation Districts

The Board of Supervisors may create HCC districts provided such districts meet the standards of Section 15.1-430(b), Code of Virginia (1950), as amended; meet one or more the purposes set forth in Section 4-19-2b above; and meet one or more of the following criteria:

- (1) Is closely associated with one or more persons, events, activities, or institutions that have made a significant contribution to local, regional or national history; or
- (2) Contain buildings or structures whose exterior design or features exemplify the distinctive characteristics of one or more historic types, periods or methods of construction, or which represent the work of an acknowledged master or masters; or
- (3) Have yielded, or are likely to yield, information important to local, regional or national history; or
- (4) Possess an identifiable character representative of the architectural and cultural heritage of the County.

4-19-4 BOUNDARIES OF HISTORIC SITE DISTRICTS AND HISTORIC AND CULTURAL CONSERVATION DISTRICTS

a. Boundaries of Historic Site Districts

The boundaries of HS districts shall be drawn to include all lands which are adjacent to the landmark, building, or structure for which the historic site district was established and which are reasonably related to the essential historic character of said district.

b. Boundaries of Historic and Cultural Conservation Districts

The boundaries of HCC districts shall be drawn to include all such land therein as meets the purposes of Section 4-19-2b above, and the criteria of Section 4-19-3b above.

4-19-5 APPLICATION FOR DESIGNATION AS HISTORIC SITE DISTRICT OR HISTORIC AND CULTURAL CONSERVATION DISTRICT

- a. Application for historic site or historic and cultural conservation district designation shall be made by the owner, Board of Supervisors,

Planning Commission or Historic District Review Committee on a form provided by the Land Use Administrator. No fee shall be required.

b. In addition to the above, the Planning Commission may initiate amending action to create an Historic Site district whenever there exists a national or state recognized historic landmark not encompassed by a Historic Site District designated on the zoning map.

c. The following information shall be required for consideration for Historic Site or Historic and Cultural Conservation district designation and shall be submitted with the application:

(1) An inventory which lists each building or structure within the district which itself has historic merit or which contributes to the overall historic character of the district.

(2) A graphic representation of the location of landmarks, sites, buildings or other structures of particular historic value as

well as the boundaries of the total proposed area to be included within the designation.

- (3) A written statement documenting the particular historical attributes of the territory proposed to be designated.

4-19-6 ACTION BY THE PLANNING COMMISSION

An application filed with the Land Use Administrator shall be advertised for public hearing as provided for in Section 2-3. The Planning Commission shall determine that the application either has apparent merit or does not have apparent merit in relation to the intent and criteria set forth above. In either case, the application shall be forwarded to the Board of Supervisors along with a statement of the findings of the Planning Commission relative to such purposes and criteria. If the application is approved by the Planning Commission, transmittal of said approval shall be accompanied by a map depicting the approved boundaries of said district, as well as a copy of the inventory of buildings and structures submitted with the application under Section 4-10-5c(1), which the

Commission shall have reviewed and approved after any necessary additions, deletions, or changes. Before acting on any such application, the Planning Commission may consider comments solicited from such local and state agencies as deemed appropriate, including the Historic District Review Committee, as established in accordance with Section 4-19-18 below.

4-19-7 ACTION BY THE BOARD OF SUPERVISORS

Upon receipt of a recommendation from the Planning Commission, the Board of Supervisors shall consider the application in accordance with DMP-b, hereinafter, and approve or disapprove the application under the same standards as applied by the Planning Commission above. If the application is approved by the Board of Supervisors, the Board shall also specifically approve the boundaries of said district, and the inventory of buildings and structures submitted under Section 4-19-5c(1) as may be amended by the Board of Supervisors.

4-19-8 MAINTENANCE OF INVENTORY OF BUILDINGS AND STRUCTURES

Following the creation of each Historic Site or Historic Cultural Conservation District, the Land Use Administrator shall maintain in his office the inventory of buildings and structures approved by the Board of Supervisors. Requests for any additions, deletions, or other changes to such inventory shall be made to the Land Use Administrator, and may only be made by him with the concurrence of the Historic District Review Committee.

4-19-9 RECORDATION OF RESOLUTIONS CREATING HISTORIC DISTRICT

Following the creation of each Historic Site or Historic and Cultural Conservation District, a copy of the resolution creating such district, and a boundary description of such district, shall be filed by the Land Use Administrator with the Clerk of the Circuit Court for Richmond County.

4-19-10 CERTIFICATE OF APPROPRIATENESS

In order to promote the general welfare through the preservation and protection of historic places and areas of historic interest in the County, no building or structure, including signs, shall be erected, reconstructed, substantially altered, moved or restored within a designated Historic Site or Historic and Cultural Conservation District unless and until an application for a Certificate of Appropriateness shall have been approved by the Historic District Review Committee, as provided below. Provided, however, that no Certificate of Appropriateness shall be required in cases of buildings primarily used or to be used for agricultural or horticultural purposes in which the requested change would not have a clear and substantial detrimental impact on the character of the district as determined by the Land Use Administrator. Provided further that no Certificate of Appropriateness shall be required in cases of ordinary repair or maintenance of any exterior feature which does not involve a significant change in design, material, or outer appearance thereof, as determined by the Land use Administrator. Notwithstanding any other provision of this Ordinance, appeal from any determination made by

the Land Use Administrator pursuant to this section shall be by petition to the Historic District Review Committee by any party directly aggrieved thereby.

4-19-11 PERMIT FOR RAZING OR DEMOLITION

In order to promote the general welfare through the preservation and protection of historic places and areas of historic interest in the County, no building or structure within an historic district which is listed on the inventory of buildings and structures for such district maintained in the office of the Land Use Administrator, shall be razed or demolished without a permit being obtained from the Historic District Review Committee, except as otherwise provided in Section 4-19-16 or Section 4-19-17 below. Notwithstanding provisions of this section and Section 750.12, the Board of Supervisors may issue a permit to raze a structure upon recommendation of the Planning Commission at the time of establishment of a district.

4-19-12 APPLICATIONS AND PROCEDURES--CERTIFICATE OF
APPROPRIATENESS, PERMIT FOR RAZING OR DEMOLITION

- a. Applications for Certificate of Appropriateness and Permits for Razing or Demolition shall be made to the Land Use Administrator on forms supplied by him. The Land Use Administrator shall refer all applications to the Historic District Review Committee.
- b. All actions taken in pursuance of the above requirements shall be preceded by at least one public meeting by the Committee, at which time any interested party, including the applicant or his representative, shall be heard.
- c. All approvals or disapprovals by the Committee shall include a statement of the reasons for such approval or denial and the conditions to be met, where applicable, whereby the applicant could make his application acceptable to the Committee.
- d. No reapplication for essentially the same purpose shall be reviewed by the Historic District Review committee within one year of denial of any

applications hereunder except in cases where the applicant purports to have brought himself into compliance with the conditions for approval set forth by the Committee in an earlier denial of said application.

4-19-13 CERTIFICATES OF APPROPRIATENESS--CRITERIA

In passing upon applications for Certificates of Appropriateness, the Historic District Review Committee shall not consider interior arrangement.

a. Historic Site (HS) District

In reviewing an application in an HS District, the Committee shall base its decision on whether the proposals therein are architecturally compatible with the building, structure, or landmark in said district. The Historic District Review Committee shall make findings stating the reason why an application conforms or fails to conform with those guidelines. In applying such standard, the Committee shall consider, among other factors:

- (1) Exterior architectural features, including all sings.
- (2) General design, scale and arrangement.
- (3) Texture and material.
- (4) The relationship of (1), (2, (3) above to other structures and features of the district.
- (5) The purposes for which the district was created.
- (6) The extent to which denial of a Certificate of Appropriateness would constitute a deprivation to the owner of a reasonable use of his property.

- b. Historic and Cultural Conservation (HCC District)
In reviewing an application in an HCC District, the Committee shall base its decision upon whether the proposals therein are compatible with the established architectural character of the district. The Historic District Review Committee

shall make findings stating the reason why an application conforms or fails to conform with those guidelines. In applying such standard the Committee shall consider, among other factors:

- (1) Exterior architectural features, including all signs.
- (2) General design, scale and arrangement.
- (3) Texture and material.
- (4) The relationship of (1) and (2) above to other structures and features of the district.
- (5) The purposes for which the district was created.
- (6) The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.
- (7) The extent to which denial of a Certificate of Appropriateness would constitute a

deprivation to the owner of a reasonable use of his property.

4-19-14 RIGHT TO RAZE OR DEMOLISH--CONDITIONS AND PROCEDURES

The owner of a building or structure, the razing or demolition of which is subject to the provisions of this article, shall, as a matter of right, be entitled to raze or demolish such building or structure provided that:

- a. He has applied to the Historic District Review Committee.
- b. The owner has for a period of time set forth in the time schedule hereinafter contained and at a price reasonably related to its fair market value, made a bona fide offer to sell such building or structure and the land pertaining thereto to any person, firm, corporation, government, or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that it will preserve and restore the building or structure and the land pertaining thereto.

c. No bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such building or structure, and the land pertaining thereto, or the building or structure alone without the land pertaining thereto, prior to the expiration of the applicable time period as set forth in the time schedule below. Any appeal which may be taken to the Court, in accordance with Section 4-19-19 of this Ordinance shall not affect the right of the owner to make a bona fide offer to sell. Offers to sell shall be made within one year of the date of application to the Historic District Review Committee. The time schedule for offers to sell shall be as follows:

<u>Property Valued At</u>	<u>Minimum Offer to Sell Period</u>
\$25,000 or less	3 months
\$25,000 - \$40,000	4 months
\$40,000 - \$55,000	5 months
\$55,000 - \$75,000	6 months
\$75,000 - \$90,000	7 months
\$90,000 or more	12 months

4-19-15 BONA FIDE OFFER TO SELL; PROCEDURES FOR FILING NOTICE
OF OFFER AND QUESTIONING PRICE

- a. Before making a bona fide offer to sell as provided for in this section, an owner shall first file a statement with the Historic District Review Committee. The statement shall identify the property, state the offering price, the date the offer of sale is to begin and name and address of the listing real estate agent, if any. The statement shall provide assurances that the building time schedule contained in Section 4-19-14b shall begin to run until said statement has been filed. Within five days of receipt of a statement, copies of the statement shall be delivered to the Historic District Review Committee.

- b. The fact that a building or structure has been offered for sale at a price reasonable related to fair market value may be questioned, provided there is filed with the Historic District Review committee, on or before 15 days after the offer of sale has begun, a petition in writing signed by a

least five persons owning real estate in the vicinity of property offered for sale. Alternatively the Committee may question said price on their own motion. Upon receipt of such petition, or upon its own motion, the Committee shall, at the expense of the County, appoint three disinterested real estate appraisers, familiar with property values in the County, who shall forthwith make an appraisal of the building or structure in question and file a written report with the Committee stating whether or not the offer to sell the building or structure is at a price reasonably related to its fair market value. The opinion of any two of the three appraisers shall be final and binding. In the event the opinion is to be the effect that the offer to sell the building or structure is at price reasonably related to its fair market value, the owner may continue to offer the property for sale pursuant to Section 4-19-14b. In the event the opinion is to the effect that the offer to sell the building or structure is not at a price reasonably related to its fair market value, the date of the offer to sell first established pursuant to Section 4-19-14 shall be void and the owner, if he wishes to take

advantage of the right provided in said section, must refile the notice provided for above. Notwithstanding an adverse opinion by the appraisers if an owner has entered into a binding bona fide contract as provided in Section 4-19-14 prior to the date the appraisers have filed their report with the Board, the price shall be deemed reasonably related to the fair market value.

4-19-16 RIGHT TO RAZE OR DEMOLISH

The right to raze or demolish a building, structure or landmark within an historic district shall not be subject to the foregoing conditions of offer to sell where the applicant for a Permit to raze or Demolish can establish either:

- a. The loss of such building, structure or landmark would not substantially impair the goals sought to be achieved by the establishment of such district, or
- b. The forced sale of such building, structure or landmark would be economically infeasible in

relation to its effect on the remaining property of the applicant. Such a claim shall be heard by the Historic District Review Committee, upon the petition of the owner of the property. Such hearing shall be public and any interested party shall be heard.

4-19-17 HAZARDOUS BUILDINGS OR STRUCTURES

Nothing in Section 4-19 shall prevent the razing or demolition without consideration of said Committee, of any building or structure within an historic district which is in such an unsafe condition that it would endanger life or property as determined in accordance with the provisions of the Virginia Uniform Statewide Building Code (Section 124 of the BOCA Basic Building Code, 1975, as amended).

4-19-18 HISTORIC DISTRICT REVIEW COMMITTEE

For the purposes of Section 4-19 of this Ordinance, the Board of Supervisors shall appoint an Historic District Review Committee. The Committee shall be composed of

five members. Where possible, the membership shall include, but not necessarily be limited to, the following: an architect with experience dealing with historic structures, and architectural historian, an owner of property listed on either the state or national register of historic landmarks or an owner of property within an Historic Site District, and an owner of property within an Historic and Cultural Conservation District. The members of the Committee shall serve a two year term or until their successors are appointed. The Committee shall meet on a regular basis as their workload requires and shall adopt such operating procedures as they deem appropriate in keeping with the requirements of law, including a procedure for maintaining records of their proceedings. All decisions of the Committee shall be by majority vote of those present and voting and no action shall be effective unless those present and voting constitute at least a quorum of the members of the Committee.

4-19-19 RIGHT OF APPEAL

Any applicant aggrieved, or other party economically injured, by any final decision of the Historic District

Review Committee may appeal such decision to the Board of Supervisors. The Board of Supervisors shall render its final decision on such appeal after consultation with the Historic District Review Committee. Any applicant aggrieved, or other party economically injured, by any final decision of the Board of Supervisors may appeal to the Circuit Court for Richmond County, in accordance with Section 15.1-503.2 of the Code of Virginia of 1950, as amended. The filing of a petition of appeal with the Circuit Court shall stay the decision of the Board pending the outcome of the appeal to the Court, except that the filing of such petition shall not stay the decision of the Board if such decision denies the right to raze or demolish a historic landmark, building or structure.

ARTICLE 5 --DEFINITIONS

5-1

GENERAL USAGE

For the purpose of this Ordinance, certain words and terms are herein defined as follows:

Words used in the present tense include the future tense; words in the singular number include the plural number and words in the plural number include the singular number; unless the obvious construction of the working indicates otherwise.

The word "shall" is mandatory.

Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line in relation to which the distance is specified.

The word "building" includes the word "structure"; the word "lot" includes the words "plot" and "parcel".

The word "used" shall be deemed also to include "erected", "reconstructed", "altered", "placed", or "moved".

The terms "land use" and "use of land" shall be deemed also to include "building use" and "use of a building".

The word "State" means the Commonwealth of Virginia.

The word "County" means Richmond County, Virginia, and the terms "county boundary" means any exterior boundary of the county or any boundary of unincorporated territory within the county.

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The term "Code of Virginia" shall include "as amended".

The word "adjacent" means "nearby" and not necessarily "contiguous".

5-2

INTERPRETATION BY THE LAND USE ADMINISTRATOR

In case of any dispute over the meaning of a word, phrase or sentence, whether defined herein or not, the Land Use Administrator is hereby authorized to make a definitive determination thereof, being guided in such determination by the purposes and intent of this Ordinance, provided however that an appeal may be taken from any such determination as provided in Section 2-4.

5-3

DEFINITIONS

Accessory Dwelling: A subordinate dwelling of no more than 1,000 square feet or fifty percent (50%) of the square feet of the principal dwelling in whom's building envelope the accessory dwelling has been constructed.

Accessory Structure: A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use.

Accessory Use: A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

Accretion: The creation of land by the recession of a lake or stream or by the gradual deposit of solid material by water.

Acre: A measure of land area containing 43,560 square feet.

Administrator: The representative of the Governing Body who has been appointed to serve as the agent of the Governing Body in administering this Ordinance. The Land Use Administrator is hereby designated as Administrator of this Ordinance.

Agriculture: The production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to man, including but not limited to forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats, or any mutations or hybrids

thereof, including the breeding and grazing of any or all of such animals, bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program.

Alley: A public or private way affording secondary means of access to abutting property.

Alteration: Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, as well as any change in doors or windows, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

Amenity: A natural or man-made feature which enhances or makes more attractive or satisfying a particular property.

Applicant: A person submitting an application for development.

Archaeological Site: Land or water areas which show evidence or artifacts of human, plant or animal activity, usually dating from period of which only vestiges remain.

Base Flood/One-Hundred Year Flood: A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year.)

Base Zoning District: Any section of Richmond County, Virginia, for which regulations governing the use of buildings and land, the height of buildings, the size of yards, and the intensity of use are uniform.

Basement: A "basement" is a story (or portion of a story) partly below ground level, with at least one-half of its height (measured from floor to ceiling) above ground level. On through lots that ground level nearest to a story (or portion of a story) shall be used to determine whether such story is a basement.

Beach: The zone of sedimentary material that extends landward from mean high water level to the place where there is marked change in material of form, or the line of permanent vegetation.

Berm: A mound of soil, either natural or man-made, planted with grass or other vegetation, and used as a view obstruction or for water control.

Best Management Practices (BMPs): A practice, or a combination of practices, that is determined by a state or designated area-wide planning agency to be the most effective, practical means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

Bike/Hike Trail: A pathway, often paved and separated from streets, designed for bikers and pedestrians.

Block: A unit of land bounded by streets or by a combination of streets and public land, waterways, or any other barrier to the continuity to development.

Board of Zoning Appeals (BZA): The board appointed to grant variance relief where warranted and to review appeals made by individuals with regard to decisions of the Land Use Administrator in the interpretation of all sections of Article 3.

Boathouse: A roofed structure for the wet or dry storage of one or more boats.

Buffer: An area within a property or site, generally adjacent to and parallel with the property line or designated natural feature, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences, and/or berms, designed to continuously limit view of and/or sound from the site to adjacent sites or properties or to maintain vegetation, absorb runoff or protect steep slopes and shorelines.

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.

Building Envelope: The three-dimensional space within which a structure is permitted to be built on a lot and which is defined by maximum height regulations, yard setbacks, and other regulations.

Building Setback Line: A line parallel to the street line at a distance therefrom equal to the depth of the front yard required for the zoning district in which the lot is located.

Capped System: A completed water supply and/or sewerage system put in place for future use (contingent upon expansion or availability at connections), rather than to meet immediate development needs.

Cemetery: Any land or structure used or intended to be used for the interment of human remains, with or without sale of lots. The sprinkling of ashes or their burial in a biodegradable container on church grounds shall not constitute creation of a cemetery.

Certificate of Compliance: Certification by the Land Use Administrator that plans are in compliance with the Land Management Ordinance.

Certification of Occupancy: A certificate issued by the County Building Official certifying that a structure is in compliance with all applicable requirements of the Uniform Statewide Building Code and County Building Ordinance after notification by the Land Use Administrator that all other necessary permits and approvals have been obtained and required bonds/surety have been found to be satisfactory and accepted by the County.

Channel: The bed and banks of a natural stream which convey the constant or intermittent flow of the stream.

Channelization: The straightening and deepening of channels and/or the surfacing thereof to permit water to move rapidly and/or directly.

Chesapeake Bay Preservation Area (CBPA): Any land designated by the Richmond County Board of Supervisors pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, VR 173-02-01, and Section 10.1-2107 of the Code of Virginia, 1950, as amended. A Chesapeake Bay Preservation Area shall consist of a Resource Protection Area and a Resource Management Area.

Clearing: Any activity which includes, but is not limited to, removal of vegetative ground cover, root mat and/or top soil.

Cluster: A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of sensitive natural and significant cultural features.

College: An educational institution authorized by the Commonwealth to award associate or higher degrees.

Commission: The Richmond County Planning Commission.

Community Impact Assessment: An assessment of a proposed development's impact on the fiscal, and social, well-being of the community, including measured effects on the provision of government services, transportation systems, and commerce.

Comprehensive Plan: The Richmond County Comprehensive Plan.

Condominium: Real property and any incidentals thereto or interests therein which have been or are to be lawfully established as such under the Virginia Condominium Act.

Conservation Easement: An easement precluding all or specified future or additional development of the land.

Construction Footprint: The area of all impervious surface including, but not limited to, buildings, roads and drives, parking areas, and sidewalks and area necessary for construction of such improvements.

Construction Plans: Engineering plans for construction of streets, utilities and other improvements.

Conventional Development: Development which consumes the entirety of a parcel with streets and lots and which is not characterized by the provision of common open space.

Common Open Space: An open space area within or related to a site designated as a site plan or subdivision, and designed and intended for the use or enjoyment of residents and owners. Common open space may contain such complementary structures and

improvements as are necessary and appropriate for the use or enjoyment of residents and owners of the development.

Cul-de-Sac: A minor street having but one end open for vehicular traffic and with the other end permanently terminated by a turnaround or backaround for vehicles.

Days: Calendar days.

Density: The number of dwelling units per unit of land.

Detention Basin: A man-made or natural water collector facility designed to collect surface and subsurface water in order to impede its flow and to release the same gradually at a rate not greater than that prior to the development of the property, into natural or man-made outlets.

Developer: The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed site plan or subdivision, including the holder of an option or contract to purchase, or any other person having enforceable proprietary interest in such land.

Development: The division of land into two or more parcels; any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, the placement of manufactured homes, streets, and other paving, utilities, filling, grading, excavating, mining, dredging, or drilling operations.

Diameter at Breast Height (BDH): The diameter of a tree measured outside the bark at a point 4.5 feet above the ground.

District or Soil and Water Conservation District: The Northern Neck Soil and Water Conservation District, a political subdivision of the Commonwealth organized in accordance with Title 21, Chapter 1, of the Code of Virginia.

Docks: See Piers.

Drainage: The removal of surface water or groundwater from land by drains, grading, or other means. This includes control of runoff during and after construction or development to minimize erosion and sedimentation to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical, to lessen nonpoint pollution, to maintain the integrity of stream channels for their biological functions as well as for drainage, and the means necessary for water supply preservation or prevention or alleviation of flooding.

Drainage System: The system through which water flows from the land, including all watercourses, water bodies and wetlands.

Dripline: A vertical projection to the ground surface from the furthest lateral extent of a tree's leaf canopy.

Driveway: A paved or unpaved area used for ingress or egress of vehicles, and allowing access from a street to a building or other structure or facility.

Dwelling: A room or group of rooms within a building and constituting a separate and independent housekeeping unit occupied or intended to be occupied by one family, and containing kitchen, living, sleeping and sanitary facilities. Definition shall include buildings containing both one and two dwelling units.

Easement: An authorization by a property owner for use by another of any designated part of his property for one or more specified purposes, which purposes are consistent with the general property rights of the owner.

Environmental Constraints: Features, natural resources, or land characteristics that are sensitive to modification and may require conservation measures or the application of creative development techniques to prevent degradation of the environment, or may require limited development, or in certain instances may preclude development.

Erosion: The detachment and movement of soil or rock fragments by water, wind, ice, and gravity.

Erosion Impact Area: An area of land not associated with current land-disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land one acre or less used for residential purposes or to shorelines where the erosion results from wave action or other coastal processes.

Erosion and Sediment Control Plan or Plans: A document containing materials which describe proposed measures to be taken for the purpose of conserving soil and water resources of a unit or group of units of land. It may include appropriate maps, appropriate soil and water inventory, management information with needed interpretations, and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions so that the entire unit or units of land will be so treated to achieve the conservation objectives set forth in this Ordinance.

Escrow: A deed, bond, money, or a piece of property delivered to a third person to be delivered by him to the grantee only upon fulfillment of a condition.

Excavating: Any digging, scooping or other methods of removing earth materials.

Exempt Subdivision: See Subdivision

Family: An individual or two (2) or more persons related by blood, marriage or adoption, or a group of not more than four (4) unrelated persons, occupying a single dwelling unit. For purposes of single family residential occupancy, this term shall be deemed to encompass group homes or other residential facilities licensed by the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services occupied by not more than eight (8) mentally ill, mentally retarded, or developmentally disabled persons together with one (1) or more resident counselors. Mental illness and development disability does not include current illegal use of or addition to a controlled substance as defined in Section 54.1-3401 of the Code of Virginia.

Family Subdivision: The division of land and its transfer to a family member defined as any person who is a natural or legally defined offspring, spouse, or parent of the owner.

Farm or Farmland: A parcel of land used for agricultural activities.

Farm Structure: Any building or structure used for agricultural purposes.

Filling: Any depositing or stockpiling of earth materials.

Filtered View of the River: The maintenance or establishment of woody vegetation of sufficient density to screen development from the river, to provide for streambank stabilization and erosion control, to serve as an aid to infiltration of surface runoff, and to provide cover to shade the water. It means no clear-cutting.

Flag Lot: A lot whose building envelope does not front on or abut a public road and where access to the public road is by a narrow, private right-of-way.

Flood: A general and temporary inundation of normally dry land areas.

Flood plain: Those areas of Richmond County subject to inundation by water of the one hundred (100) year flood as described by the Flood Insurance Study for Richmond County and shown on the Flood Insurance Rate Map series, both prepared by the Federal Emergency Management Agency and dated March 16, 1989.

Flood-Prone Area: Any land area susceptible to being inundated by water from any source.

General Development Plan: A plan outlining general, rather than detailed, development intentions. It describes the basic parameters of a major development proposal, rather than giving full engineering details. As such, it allows general intentions to be proposed and discussed without the extensive costs involved in submitting a detailed proposal.

Governing Body: The Board of Supervisors of Richmond County.

Governmental Activity: Any or all of the services provided by this County to its citizens for the purpose of maintaining this County and shall include, but shall not be limited to, such services as constructing, repairing and maintaining roads, sewage facilities,

supply and treating water, street lights and construction of public buildings.

Grade: The slope of a street, or other public way, or land area specified in percentage (%) terms.

Grading: Any excavating or filling of earth materials or any combination thereof, including the land in its excavated or filled condition.

Greenbelt: An open area which may be cultivated or maintained in a natural state surrounding development or used as a buffer between land uses or to mark the edge of an urban or developed area.

Ground Cover: Low-growing plants or sod that in time form a dense mat covering the area in which they are planted preventing soil from being blown or washed away and the growth of unwanted plants.

Health Officer: The Health Officer or Sanitarian of Richmond County.

Height, Building: The vertical distance to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and the ridge for gable, hop and gambrel roofs measured from the grade level in all other cases.

Historic Site: A structure, place, setting or area of outstanding historic and cultural significance and designated as such by the Commonwealth or the federal government.

Home Occupation: Any activity carried out for gain by a resident conducted as permitted accessory use in the resident's dwelling unit.

Homeowners' Association: A community association, other than a condominium association, which is organized in a development in which individual owners share common interests in open space or facilities.

Impact Analysis: A study to determine the effect of a proposed development on activities, utilities, circulation, surrounding land uses, community facilities, environment and other factors directly, indirectly or potentially affected.

Impervious Cover: A surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces include, but are not limited to: roofs, buildings, streets, parking areas, and any concrete, asphalt, or compacted gravel surface.

Incentive Zoning: The granting by the plan-approving authority of additional development capacity in exchange for the developer's provision of a public benefit or amenity.

Individual Sewage Disposal System: A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device serving a single unit.

Ingress/Egress: Access or entry in and out of parking areas.

Intersection: The area embraced within the prolongation of the lateral boundary lines of two or more streets which join one another at an angle whether or not one such street crosses the other.

Land-Disturbing Activity: Any land change which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the Commonwealth, including but not limited to, clearing, grading, excavating, transporting and filling of land, except that the term shall not include:

- 1) Minor land disturbing activities such as home gardens and individual landscaping, repairs and maintenance work;
- 2) Individual service connections;
- 3) Installation, maintenance or repair of any underground public utility lines when such activity occurs on an existing hard surfaced road, street or sidewalk provided the land-disturbing activity is confined to the area of the road, street or sidewalk which is hard surfaced;
- 4) Surface or deep mining;
- 5) Exploration or drilling for oil and/or gas including the well site, roads, feeder lines and off-site disposal areas;

- 6) Tilling, planting, or harvesting of agricultural, horticultural, or forest crops or livestock feedlot operations; including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation;
- 7) Repair or rebuilding of the tracks, right-of-way, bridges, communication facilities and other related structures and facilities of a railroad company;
- 8) Agricultural engineering operations including but not limited to the construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the Dam Safety Act, Chapter 8. (Section 62.1-115.1 et. seq.), ditches, strip cropping, lister furrowing, land drainage and land irrigation;
- 9) Disturbed land areas of less than 2,500 square feet in size;
- 10) Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;
- 11) Shore erosion control projects on tidal waters when the projects are approved by the Richmond County Wetlands Board, the Virginia Marine Resources Commission or the U.S. Army Corps of Engineers;
- 12) Emergency work to protect life, limb or property and emergency repairs, however, if the land-disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the plan-approving authority.

Land-disturbing Permit: A permit issued by the County of Richmond for clearing, filling, excavation, grading or transporting, or any combination thereof.

Littoral Drift: The transportation of grains of sand due to water action produced by winds and currents.

Lot: A portion of a subdivision or other parcel of land intended for the transfer of ownership or for building development, whether immediate or future.

Lot Area: The total horizontal area within the lot lines of the lot and expressed in terms of acres or square feet.

Lot, Corner: A lot abutting upon two or more streets at their intersection where the interior angle of intersection is not greater than 135 degrees. A lot abutting upon a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle of less than 135 degrees.

Lot Depth: The average horizontal distance between the front and rear lot lines.

Lot, Double Frontage: A lot, other than a corner lot, which has frontage on two streets.

Lot Frontage: That portion of a lot extending along a street line or upon a water body, beach or wetland as the case may require.

Lot, Interior: Any lot neither a corner lot nor a through lot.

Lot Line: The boundary line of the lot.

Lot Line, Front: A front lot line is a street line.

Lot Line, Rear: Any lot line, except a front lot line, which is parallel or within 45 degrees of being parallel to, and does not intersect, any street line bounding such lot..

Lot of Record: Any lot legally recorded in the Clerk's Office of the Richmond County Circuit Court.

Lot Line, Side: Any lot line which is not a front lot line or a rear lot line.

Lot, Through: Any lot, not a corner lot, which adjoins two street lines opposite to each other and parallel or within 45 degrees of being parallel to each other.

Lot, Waterfront: A lot that includes, touches upon, or is within 100 feet of the mean low water mark of a natural or man-made body of water or a beach or wetland.

Lot Width: The horizontal distance between the side lot lines measured at the front building setback line.

Maintenance Bond: Any security that is acceptable to the governing body to assure the maintenance of approved installations by developers.

Maintenance Guarantee: Any security, other than cash, that may be accepted by the County for the maintenance of any required improvements.

Manufactured Home: A structure subject to federal regulation, which is transportable in one or more sections; is eight body feet or more in width and forty body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. (Code of Virginia, Section 36-85.3)

Manufactured Home Park: A tract of land or a combination of tracts of land under single ownership or management which has been designed, constructed, equipped, operated and maintained for the placement of two (2) or more manufactured homes.

Manufactured Home Subdivision: A manufactured home subdivision is an area designed to accommodate one or more manufactured homes or modular homes on individual lots which may be offered for sale under the terms of this Ordinance and the County Subdivision Ordinance.

Marina: A publicly or privately-owned facility which serves five (5) or more boats as a commercial enterprise or in association with a club and which provides for one or more of the following: boat storage, boat launching, sale of marine supplies and services, bait and tackle shops, marine fuel services,

watercraft sales and related accessories, related mooring, docking and slip facilities, rental docking or tie-up services, related piers and floats.

Marine Railways: A pair of sloping tracks used to launch watercraft.

Mobile Home: A mobile home is a structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein that can be retracted when transported and subsequently expanded for additional capacity, or of two or more units separately transportable but designed to be joined and joined into one integral unit.

Mooring Buoy: An anchored floating device for the purpose of securing a water craft.

Multi-Family Dwelling: A structure arranged or designated to be occupied by two or more families.

Non-Conforming or Non-Conformity: A non-conforming use is any lawful use, whether of a building or other structure or of a tract of land, which does not conform to any one or more of the applicable regulations of the district in which it is located, either on the effective date of this Ordinance or as a result of any subsequent amendment thereto.

However, no existing use shall be deemed non-conforming, nor shall a non-conformity be deemed to exist, solely because of any of the following:

- a. The existence of less than the required accessory off-street parking or loading spaces; or
- b. The existence of non-conforming accessory signs.

The casual, intermittent, temporary or illegal use of land or buildings shall not be sufficient to establish the existence of a non-conforming use, and the existence of a non-conforming use on a part of a lot shall

not be construed to establish a non-conforming use on the entire lot.

Nonpoint Source Pollution: Pollution consisting of constituents such as sediment, nutrients, and organic and toxic substances from diffuse sources, such as run-off from agricultural and urban land development and use.

Nontidal Wetlands: Those wetlands other than tidal wetlands that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency pursuant to Section 404 of the Federal Clean Water Act, in 33 C.F.R. 328.3b, dated November 13, 1986.

Noxious Weeds: Weeds that are difficult to control effectively, such as Johnson Grass, Kudzu, and multiflora rose.

Open Space: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space; provided that such areas may be improved with only those buildings, structures, streets, and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

Outdoor Storage: The keeping, in an unrooted area of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four hours.

Overlay Zoning Districts: Zoning districts which extend on top of a base zoning district and are intended to protect certain critical features and resources or provide for desired community goals. Where the standards of the overlay and base zoning district are different, the more restrictive standard shall apply.

Owner: The owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver,

executor, trustee, lessee or other person, firm or corporation in control of a property.

Perc Test (Percolation Test): A test designated to determine the ability of ground to absorb water, and used in determining the suitability of a soil for drainage or for the use of a septic system.

Performance Guarantee: Any security, including cash, which may be accepted by the County to ensure installation of required subdivision and/or site plan improvements; provided that the County shall not require more than 10 percent of the total performance guarantee in cash.

Permit Holder: The person to whom a permit authorizing land-disturbing activities is issued or the person who certifies that the approved plan will be followed.

Person: Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town, or other political subdivision of the Commonwealth, any interstate body, or any other legal entity.

Pervious Surface: Any material that permits full or partial absorption of storm water into previously unimproved land.

Piers and Docks: Structures which abut the shoreline and are used as a landing or moorage place for commercial and pleasure craft. Piers are built on fixed platforms above the water, while docks float upon the water.

Plan Approving Authority: The authority designated by the County Ordinance as responsible for determining the consistency of a plan with this Ordinance and authorized to approve or deny said plan.

Plan of Development: The process for site plan or subdivision plat review to ensure compliance with Section 10.1-2109 of the Code of Virginia and this Ordinance, prior to any clearing or grading of a site or the issuance of a building permit.

Planning Commission: The Richmond County Planning Commission.

Plat: A map or maps of a subdivision.

Pre-Application Conference: An initial meeting between developers and County representatives which affords developers the opportunity to present their proposals informally.

Preliminary Approval: The conferral of certain rights prior to final approval after specific elements of a development plan have been agreed upon by the Agent and the applicant.

Preliminary Subdivision Plat: A map indicating the proposed layout of a development or subdivision and related information that is submitted for preliminary approval.

Primary Highway: A highway designated as a Virginia Primary Highway or U.S. Highway by the Virginia Department of Transportation.

Primary Service Area: A defined region, not always coincidental with a municipality's corporate boundary, that defines the geographical limit of government supplied public facilities and services.

Principle Use: The main use of land or structures as distinguished from a secondary or accessory use.

Public Open Space: An open space area conveyed or otherwise dedicated to a municipality, municipal agency, school board, state or county agency, or other public body for recreational or conservational uses.

Public Water and Sewer Service or System: A water or sewer system owned and operated by a municipality or county, or owned and operated by a corporation approved by the governing body and properly chartered and certified by the State Corporation Commission, and subject to special regulations as herein set forth.

Recreational Vehicle: "Recreational Vehicle" means any vehicle, with or without collapsible sides, designed, used, or maintained for use as a conveyance upon highways, either self-propelled or designed to be towed by another vehicle, and which is so designed and constructed as to permit occupancy thereof as a temporary dwelling or sleeping place for one or more persons. The term "recreational vehicle" shall include

the terms "camper", "camping trailer", "travel trailer", "self-propelled motor home", "motor home", "camper vehicle", and "R+V".

Regulations: The whole body of regulations, text, charts, diagrams, notations, and references contained or referred to in this Ordinance.

Residence, or Residential: A residence is a building or part of a building containing dwelling units, including one-family or two-family houses, and multiple dwellings. However, residences do not include:

Such transient accommodation as hotels, motels, trailer camps, or mobile homes, or

Dormitories, fraternity or sorority houses, monasteries, or convents, or

Nurses' residences, sanitariums, nursing homes, or other similar living or sleeping accommodations.

Residential means pertaining to a residence.

Residential Density: The number of dwelling units per gross acre of residential land area, with gross acres including all the land area, including streets, easements, and open space portions of a development.

Resource Management Area (RMA): That component of the Chesapeake Bay Preservation Area not classified as the Resource Protection Area. RMA's include land types that, if improperly used or developed, have the potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area.

Resource Protection Area (RPA): That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters.

Resource Protection Area (RPA) Buffer: An area of natural or established vegetation managed to protect other components of a Resource Protection Area and

state waters from significant degradation due to disturbances.

Resubdivision: See Subdivision.

Retaining Wall: A structure erected between lands of different elevation to protect structures and/or to prevent the washing down or erosion of earth from the upper slope level.

Retention Basin: A pond, pool or basin used for the permanent storage of water runoff.

Right-of-Way: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, gas pipeline, water main, sanitary or storm sewer main, drainage ditch, shade trees, or for another special use.

Right-of-Way Line: A dividing line between alot, tract, or parcel of land and a contiguous street.

Roadway: The portion of a street or highway available for and intended for use by motor vehicle traffic; generally the paved portion of the street or highway.

Screen: A structure or planting consisting of fencing, berms, and/or evergreen trees or shrubs providing a continuous view obstruction within a site or property.

SCS: Soil Conservation Service.

Secondary Highway: A highway designated as a Virginia Secondary Highway by the Virginia Department of Transportation.

Sedimentation: The deposit of soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a product of erosion.

Septic System: An underground system with a septic tank used for the decomposition of domestic wastes.

Septic Tank: A water-tight receptacle that receives the discharge of sewage.

Service Drive: A minor street which is parallel to and adjacent to a major thoroughfare, and which provides access to abutting properties and restricts access to the major thoroughfare.

Setback: The horizontal distance between the street right-of-way line and the front line of a building or any projection thereof, excluding uncovered steps, or the horizontal distance between the side or rear line of a building or any projection thereof, excluding uncovered steps, and the side or rear lot line. Setback may also be specified from a designated physical feature such as a water body, beach, or wetland.

Sewer: Any pipe conduit used to collect and carry away sewage or storm water runoff from the generating source to treatment plants or receiving streams.

Shade Tree: A tree in a public place, street, special easement, or right-of-way adjoining a street.

Sight Triangle: A triangular-shaped portion of land established at street intersections and entrances onto streets in which nothing is permitted to be erected, placed, planted or allowed to grow in a manner that limits or obstructs the sight distance of motorists, bicyclists or pedestrians traversing or using the intersection or entrance.

Sign: Any writing (including letter, word or numeral); pictorial representation (including illustration or decoration); emblem (including device, symbol, or trademark); flag (including banner or pennant); or any other figure of similar character, which is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure, and is used to announce, direct attention to, or advertise.

Silviculture: The development and/or maintenance of a forest or wooded preserve.

Site Plan: The development plan for a project or a subdivision on which is shown the existing and proposed conditions including topography, vegetation, drainage, floodplains, wetlands, waterways, location and bulk of buildings, density of development, open space, public facilities, landscaping, structures and signs and such other information as reasonably may be required in order that an informed decision can be made by the

approving authority. For certain projects such as condominium or townhouse projects or water-dependent facilities, the term is used synonymously with subdivision plat, preliminary and final.

Sketch Plan/Plat: A preliminary presentation or sketch plan and attendant documentation of a proposed subdivision or a site plan of sufficient accuracy to be used for the purpose of discussion and classification.

Slope: The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

Special Use: A use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the intent and purpose of the zoning district.

Special Use Permit: A permit issued by the proper plan-approving authority which must be acquired before a special use can be constructed.

Spot Zoning: Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect of furthering the Comprehensive Plan.

State Waters: All waters on the surface and under the ground wholly or partially within or bordering the Commonwealth or within its jurisdiction.

Storm Water Detention: A provision for storage of storm water runoff and the controlled release of such runoff during and after a flood or storm.

Storm Water Retention: A provision for storage of storm water runoff.

Street: A public or private thoroughfare which affords the principal means of access to abutting properties, and whether designated as a freeway, expressway, thoroughfare, highway, road, parkway, avenue, boulevard, lane, place, circle, or however otherwise designated.

Street Width: The horizontal distance between street lines measured perpendicular to the street center line.

Structure: Anything constructed or erected on the ground or which is attached to something located on the ground. Structures include buildings, radio and TV towers, sheds, and permanent signs. It excludes vehicles, sidewalks, and paving.

Subdivide: The process of dealing with land so as to establish a subdivision as defined herein.

Subdivider: Any individual, firm, partnership, association, corporation, estate, trust, or any other group or combination, acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as defined herein, and including any agent of the subdivider.

Subdivision: The division of any tract or parcel of land into two or more tracts, parcels, lots, or building sites, for the purpose, whether immediate or future, of transfer of ownership or for development; provided, however, that the following, if no new streets are created or existing streets changed, shall not be considered subdivisions within the meaning of this Ordinance and therefore are exempted from application of the design standards and review procedures of this Ordinance:

a. The sale or exchange of parcels between adjoining property owners where such sale or exchange does not create additional building sites or create a lot or parcel which does not meet the minimum area and dimensional requirements of this or other County ordinances.

b. The combination or recombination of portions of previously subdivided lots where the total number of lots is not increased and the resultant lots comply with the minimum area and dimensional requirements of this and other County ordinances.

c. The division of a tract of land in order that one or more of the resulting parcels may be used as part of a well lot, public utility right-of-way, or other public or private right-of-way other than a street, provided no additional building lots are created.

d. The partition of lands by court order or by testamentary or intestate provisions.

e. Where a viable dwelling unit exists on a large tract of property, a lot may be created to include the dwelling unit. Such a lot must meet the maximum area and dimensional requirements of this or other County ordinances. An existing legal right-of-way will be sufficient to provide access to the lot as long as the lot created is precluded from future subdivision by deed restrictions.

f. Divisions of large tracts of property where the resultant parcels shall be used for agricultural, forestal or other undisturbed open space provided such parcels are served by a right-of-way with a minimum width of twenty-five (25) feet. The plats and deeds for such parcels shall show the parcels are not for residential or other use except as aforesaid.

If new streets are created or existing streets changed, the project shall be considered a subdivision notwithstanding the above.

The term subdivision shall include resubdivision, and, where appropriate to the context, shall relate to the process of subdividing or to the land subdivided, and shall include establishment of any land area as a common element, limited or otherwise, in connection with a condominium or similar project, construction or conversion regardless of the number of parcels involved, and shall include the establishment of any new apartment, townhouse, or condominium project or any waterfront or water-dependent facility such as a marina, yacht club, community dock, pier or boat ramp, or any waterfront business or waterfront industrial establishment of whatever type.

Tidal Shore or Shore: Land contiguous to a tidal body of water between the mean low water level and the mean high water level.

Tidal Wetlands: Vegetated and nonvegetated wetlands as defined in Section 62.1-13.2 of the Code of Virginia, 1950, as amended.

Townhouse: A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one of more common fire resistant walls.

Transportation: Any moving of earth materials from one place to another, other than such movement incidental to grading, when such a movement results in destroying the vegetative ground cover either by tracking or the build-up of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transportation occurs.

Tributary Stream: Any perennial stream that is so depicted on the most recent U.S. Geological Survey 7-1/2 minute topographic quadrangle map (scale 1:24,000).

Undeveloped Land: Land in its natural state before development.

Use: Any purpose for which a building or other structure or lot may be designed, arranged, intended, maintained, or occupied, and/or any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or other structure or on a lot.

Vegetation: Area of natural or established ground cover which allows the natural infiltration of water into the soil. Vegetated buffer areas shall include, but are not limited to those areas of any plant material, grassy ground cover, woody vegetation, bush and shrubs, etc.

Wayside Stand: A booth or stall no larger than 300 square feet located on a farm from which produce and farm products originating from the premises are sold to the general public.

Water-Dependent Facility: A development of land that cannot exist outside of the Resource Protection Area and must be located on the shoreline by reason of the intrinsic nature of its operation. These facilities include, but are not limited to: (1) ports; (2) the intake and outfall structures of power plants, water treatment plants, sewage treatment plants, and storm sewers; (3) marinas and other boat docking structures; (4) beaches and other public water-oriented recreation areas; and (5) fisheries or other marine resources facilities.

Wetlands: Tidal (vegetated and nonvegetated) and nontidal wetlands. "Nonvegetated wetlands" means all that land lying contiguous to mean low water and which land is between mean low water and mean high water not otherwise included in the term "vegetated wetlands" as defined herein subject to flooding by tides including wind tides but not including hurrican or tropical storm tides. "Vegetated Wetlands" means all that land lying between and contiguous to mean low water and an elevation above mean low water equal to the factor 1.5 times the mean tide range at the site of the proposed project in this County; and upon which is growing on the effective date of this act or grows thereon subsequent thereto, any one or more of the following: Saltmarsh cordgrass (*Spartina alterniflora*), saltmeadow hay (*Spartina patens*), saltgrass (*Distichlis spicata*), black needlerush (*Juncus roemerianus*), saltwort (*Salicornia* sp.), sea lavender (*Limonium* sp.), marsh elder (*Iva frutescens*), groundsel bush (*Baccharis halimifolia*), wax myrtle (*Myrica* sp.), sea oxeye (*Borrichia frutescens*), arrow arum (*Peltandra virginica*), pickerelweed (*Pontederia cordata*), big cordgrass (*Spartina cynosuroides*), rice cutgrass (*Leersia oryzoides*), wildrice (*Zizania aquatica*), bulrush (*Scirpus validus*), spikerush (*Eleocharis* sp.), sea rocket (*Cakile edentula*), southern wildrice (*Zizaniopsis miliacea*), cattails (*Typha* spp.), threesquares (*Scirpus* spp.), buttonbush (*Cephalanthus occidentalis*), bald cypress (*Taxodium distichum*), black gum (*Nyssa sylvatica*), tupelo (*Nyssa aquatica*), dock (*Rumex* sp.), yellow pond lily (*Nuphar* sp.), marsh fleabane (*Pluchea purpurascens*), royal fern (*Osmunda regalis*), marsh hibiscus (*Hibiscus moscheutos*), beggar's tick (*Bidens* sp.), smartweed (*Polygonum* sp.), arrowhead (*Sagittaria* spp.), sweet flag (*Acorus calamus*), switch grass (*Panicum virgatum*), water hemp (*Amaranthus cannabinus*), and reed grass (*Phragmites communis*). "Wetlands board" or "board" means a board created as provided in 62.1-13.6 of the Code of Virginia.

Yard: That portion of a lot extending open and unobstructed from the lowest level to the sky along the entire length of a lot line, and from the lot line for a depth or width set forth in the applicable district yard regulations.

Yard, Front: A front yard is a yard extending along the full length of a front lot line. In the case of a corner lot, any yard extending along the full length of a street line shall be considered a front yard.

Yard Line, Front: A front yard line is a line drawn parallel to a front lot line at a distance therefrom equal to the depth of a required front yard.

Yard Line, Rear: A rear yard line is a line drawn parallel to a rear lot line at a distance therefrom equal to the depth of a required rear yard.

Yard, Rear: A rear yard is a yard extending for the full length of a rear lot line.

Yard, Side: A side yard is a yard extending along a side lot line from the required front yard (or from the front lot line if no front yard is required) to the required rear yard (or to the rear lot line, if no rear yard is required). In the case of a corner lot, any yard which is not a front yard shall be considered a side yard.

Zoning: The dividing of the County into districts, both base and overlay, and the establishment of regulations governing the use, placement, spacing and size of lots and buildings.

Zoning Map: The map or maps, which are a part of the zoning ordinance, and delineate the boundaries of zone districts.

RICHMOND COUNTY
DESIGN AND PROCEDURES
MANUAL

PURPOSE AND INTENT

The Richmond County Design and Procedures Manual has been prepared in order to provide:

- an understanding of what are determined to be desirable development patterns and practices; and
- an overview of the Richmond County Land Management Ordinance (LMO) including the LMO's various decision making processes and development applications.

It is the intent of this document through the use of photographs, diagrams and accompanying text to complement the ordinance language of the LMO and thereby clearly define:

- those land disturbance activities requiring approvals;
- what approvals are required; and
- the applications and plans needing to be submitted;
- plan content and other informational requirements which must be submitted.

And as a result, it is expected that:

- applicants will more clearly understand the design and submittal objectives of the LMO; and
- applications will be processed without delay and acted upon as quickly as possible.

LAND MANAGEMENT AND DEVELOPMENT DESIGN

The LMO implements the intent and purpose of the Comprehensive Plan. The newly drafted Comprehensive Plan establishes goals pertaining to land management and development which are as follows:

Land Use: To accommodate future desirable development while maintaining the rural character of the County.

Housing: Richmond County needs to expand the housing opportunities to all its citizens, but especially to those who are elderly or who live on low or moderate incomes.

Environment
and Natural

Resources: To protect the health, integrity and values of the natural resources and environment of Richmond County.

Economic

Development: To enhance the economic base and employment opportunities in Richmond County.

Community

Service and

Facilities: To enhance the living conditions of the County by making government services more efficient and effective.

Transportation:

To provide for an adequate and safe transportation network to serve the residents and visitors of the County.

The LMO contains the regulations which implement these goal standards. Ordinance provisions provide shape and form to land development activities, thereby ensuring that land development patterns and practices conform to the intent of the Comprehensive Plan.

Prior to the development of the LMO, members of the Richmond County Board of Supervisors, Planning Commission, and staff participated in a Visual Assessment Process for Community Design. This exercise consisted of viewing 140 colored slides of various development patterns and practices and scoring each slide on a scale ranging from -10 (least favorable) to +10 most favorable using all numbers in between with 0 being used for those slide images producing neutral feelings. The results were tabulated

and the slide tray was reracked in order of most favorite slide image to least favorite slide image based upon the cumulative score of the participants. The slides were then viewed by the participants who discussed the patterns, trends and implications of the results. The results were as follows:

Approved Minutes of the Richmond County Planning Commission

March 11, 1991

"The top twenty-four slides were all farm, church, historic or open space scenes. It was noted that the existing Comprehensive Plan and the proposed revisions both call for protection of prime farmland and the existing rural atmosphere. The high rating of slides depicting those characteristics reinforce the goals and objectives of the Comprehensive Plan."

"The Commission discussed the slides and the development practices shown, and discussed land use regulations and how individual property rights might be affected by such regulations. The consensus was that a well planned attractive community could result from adequate regulations but regulations that require minimal standards would result in communities with minimal desirability."

Approved Minutes of the Richmond County Planning Commission

April 8, 1991

"The top ranked slides were rural farms, churches, historic areas and other open space scenes. Commissioners^{et} agreed that the absence of people and presence of trees influenced the ranking of the top slides. One Commissioner commented that he would rank any slide high that did not show people or a landscape that had been altered by people. Established neighborhoods with adequate landscaping scored very well and Commissioners said they could feel a sense of community and pride when viewing such slides. Commercial area slides were discussed at length and the

consensus seemed to be that landscaping and making such areas "people friendly" were concerns that need to be addressed. It was felt that if commercial development was made attractive and comfortable to shoppers the more likely it was that shoppers would spend more time and money in the business establishments."

Approved Minutes of the Richmond County Planning Commission

May 6, 1991

"As in last month's meeting, slides showing adequate landscaping, established neighborhoods and development that somewhat mirrored existing patterns and practices were rated higher than scenes not exhibiting such characteristics. The Commissioners debated the need for sidewalks and other pedestrian features. Parking lots were viewed as features of development that needed careful consideration during the design phase of a project and various parking lot treatments were viewed and discussed."

"A slide of a manufactured home park received a higher rating than slides of individual manufactured homes. Commissioners and members of the Board of Supervisors present seemed to be in agreement that a manufactured home park was needed in the County. Design standards were discussed for manufactured home parks that would help assure that such a venture resulted in a "community" that would instill a sense of pride in the residents of the park and an establishment viewed as appropriate by other citizens of the county."

"Industrial areas were discussed and attractive entrances and adequate landscaping were identified as the major concerns of the Commission."

Articles 3 and 4 of the LMO contain zoning, design and performance standards. These standards were developed in an effort to ensure that the shape and form of development mimics the design and image of those slides viewed most favorably during the Visual Assessment Process for Community Design and also to

comply with the goals and directives of the Comprehensive Plan.
What follows is a review of Articles 3 and 4 of the LMO
summarizing the desired land management and development designs
to be achieved.

ZONING

Article 3-1 provides for the establishment of three base zoning districts and three overlay zoning districts.

BASE Zoning District: Base zoning districts are specifically delineated on the Official Zoning Map. Every land area of the County is within only one base zoning district. Base zoning districts establish regulations governing the use and size of parcels and lots.

OVERLAY Zoning District: Overlay zoning districts are established to obtain a specific end result. An overlay district may facilitate the use of land for a specific development activity where conducive site-specific features exist, or it may protect specific significant resources and environmentally sensitive land areas wherever they may be located in the County. A parcel or lot may be overlaid, in part or in its entirety, by any or all of the three overlay districts, or by none at all.

BASE ZONING DISTRICTS

a. Section 3-10 Rural Open Space and Conservation (ROSCO) Zoning District

The purpose of the ROSCO district is to encourage the preservation of open land for its scenic beauty, agricultural, forestal and recreational use, and the protection of areas possessing significant and sensitive resources; to protect the value of real property; to promote more sensitive siting of buildings and better overall site planning; to perpetuate the traditional landscape of Richmond County and the Northern Neck; to allow landowners a reasonable return on their holdings; to promote a better use of the land in harmony with its natural features through more flexible design; and to facilitate the development of primary service areas within rural villages.

ROSCO is expected to be the base zoning district for over 90% of the County. It is intended to shape development so that the rural environment, landscape, and lifestyle is maintained. New development will be encouraged to mimic the three basic development patterns of the rural Richmond County landscape:

- FARMSTEAD - Low density
- (3-10-5) - Surrounded by productive fields and forests
- (3-10-6) in permanently protected open space
- Resemblance to traditional Northern Neck farmsteads

- HAMLET - Collection of 6-25 residential structures
- (3-10-7) - Some civic uses such as a church, post office
- A mom-and-pop country store as an accessory use
- Surrounded by productive fields and forests in permanently protected open space
- Resemblance to Farnham proper, Sharps

- VILLAGE - Grouping of homes, civic uses, commercial
- (3-10-8) and light industrial uses
- Contains no more than 500 dwellings
- Surrounded by productive fields and forests in permanently protected open space
- Resemblance to Urbanna, Old Tappahannock, Old West Point east of Route 33

In addition, ROSCO permits use of existing lots of record as well as Forest Subdivisions.

FOREST

SUBDIVISIONS

- (3-10-9) - Located so as to be invisible from roadways within the traditional landscape
- Lots 1-3 acres in size with protected open spaces within and around the subdivision

b. Section 3-11 Rural Business and Commercial (RBC) Zoning
District

The Rural Business and Commercial (RBC) District is established to provide appropriate zoning for existing commercially-utilized lots located in conformity with the Comprehensive Plan, and for proposed uses which by their very nature, are inappropriate within mixed use areas.

c. Section 3-12 Rural WORKplace (WORK) Zoning District

The Rural Workplace (WORK) District is established to provide opportunities for desirable employment generators which are situated collectively in accessible and suitable nodes of activity, and which blend in with rather than supplant the rural environment of the County. The WORK district is designed to:

- provide locational opportunities for industries with high growth potential which are likely to be attracted to the County;
- provide development sites for small, medium and large-sized industrial firms in environments conducive for business and industrial activity;
- facilitate the County's efforts to attract new employment opportunities;
- expand the fiscal capacity of the County by broadening the tax base;
- ensure that industrial operations are compatible with desired community growth;

- contribute positively to community appearance; and,
- respect the natural rural environment.

OVERLAY ZONING DISTRICTS

a. Section 3-13 Historic and Scenic Preservation (HISTORIC RICHMOND) Overlay District

The purpose of the Historic and Scenic (HISTORIC RICHMOND) overlay district is to provide for protection and enhancement of designated scenic highways and byways, protect against destruction of or encroachment upon historic areas, archaeological sites, historic and architecturally significant buildings and structures, monuments and other features of recognized significance which contribute or will contribute to the cultural, social, economic, political or architectural heritage of Richmond County and the Commonwealth of Virginia. It is also the purpose of HISTORIC RICHMOND to preserve designated scenic areas, and historic, archaeological or architectural features within their surroundings within a reasonable distance from destruction, damage, defacement and obviously incongruous development or uses of land.

HISTORIC RICHMOND will implement the provisions of Section 4-10 of the LMO relative to the creation of historic districts as provided by Section 15.1-503.2 of the Code of Virginia. In doing so, HISTORIC RICHMOND promotes the

general welfare by preserving areas which have been officially designated as having exceptional natural, scenic or historic value worthy of preservation and protection. This zoning designation is also intended to be used along roadways within the County officially designated as Virginia scenic highways or byways, or designated by the Board of Supervisors as scenic County highways and byways in the Comprehensive Plan.

b. Section 3-14 Waterfront Management (WATER) Overlay
District

The Waterfront Management (WATER) overlay district is designed to protect and improve the water quality of the Chesapeake Bay, its tributaries, buffer areas and other sensitive environmental lands by minimizing the potential adverse effects of human activity upon these areas. WATER is intended to encourage and promote the:

- protection of existing high quality state waters and restoration of all other state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth to inhabit them;
- safeguarding the clean water of the Commonwealth from pollution;
- prevention of any increase in pollution;
- reduction of existing pollution;
- promotion of water resource conservation in order to provide for the health, safety and welfare of the

present and future citizens of the Commonwealth and the County;

- provide for the proper design and placement of water dependent uses;
- protection of aquatic life, bird and other wildlife habitat;
- conservation of natural beauty and open space; and
- anticipation and an effective response to the impacts of development.

Additionally, this district is designed to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by the:

- regulation of uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, have the potential to cause unacceptable increases in flood heights,

velocities, and frequencies;

- restriction or prohibition of certain uses, activities, and development from locating within areas subject to flooding;
- requiring all uses, activities, and developments that do occur in flood-prone areas to be protected and/or floodproofed against flooding and flood damage;
- protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards;
- qualifying Richmond County residents for the insurance and subsidies provided by the National Flood Insurance Program.

c. Section 3-15 Affordable Housing (AFFORDABLE) Overlay
District

It is the intent of this overlay zoning district to encourage the development of low and moderate income housing to the extent that it is needed for the citizenry of Richmond County. The County provides opportunities for the construction of housing affordable by households with modest incomes through the use of density bonuses, by providing for higher density, cost efficient development in villages, hamlets and farmsteads, and by the enactment of this overlay district which permits the use of manufactured homes.

DESIGN AND PERFORMANCE STANDARDS

Section 4-1

General Layout and Design

This section of the LMO provides broad general standards relating to site development and use. It is the purpose and intent of the entirety of Article 4 to ensure that new development is designed in accordance with the purpose, intent and direction of the Comprehensive Plan and the LMO, is in concert with existing, desirable development patterns and designs within the County, is responsive to the existence of significant and sensitive natural and cultural resources, is proposed so as to enable the County to provide adequate levels of public service, and is designed to provide for the health, safety, and welfare of individuals residing, working, shopping, traveling and recreating within the County.

General standards and guidelines within Section 4-1 relate to:

- Suitability of Land for Development (4-1-3a)
- Building Design (4-1-3b)
- Relationship of Building to Site (4-1-3c)
- Relationship of Project to Adjoining Areas (4-1-3d)

- Landscape and Site Treatment (4-1-3e)
- Signs (4-1-3f)
- Lighting (4-1-3g)
- Maintenance (4-1-3h)
- Preservation of Natural Features (4-1-3i)

Detailed regulatory provisions are contained in the following sections of Article 4.

Section 4-2

Land Division Design Standards

The purpose of managing lotting layout is to promote efficiency and economy in the process of land division, the proper arrangement of lots in relationship to each other and to existing and planned streets and other features of the Comprehensive Plan, the protection of water quality, wetlands, wildlife habitats, historic, scenic and archaeological sites, steep slopes, shorelines, and other significant and sensitive resources, protection against flooding, erosion and sedimentation, the provision of adequate open spaces for recreation, light, and air, the convenient distribution of population and traffic, and the adequacy of streets, public utilities and other public facilities. Toward this end, this Section:

- establishes design and improvement standards for the division of land in Richmond County;
- ensures that purchasers of lots, tracts and parcels purchase a commodity that is accessible and generally suitable for the intended use;
- insures orderly and safe spacing, size, shape, design, and

distribution of lots for residential, commercial, industrial and other uses.

This section provides standards relating to:

- Layout of streets as it relates to lot and block configuration (4-2-4)
- Block size and shape (4-2-5)
- Lot design (4-2-6)
- Reference monuments (4-2-7)
- Cemeteries which the LMO treats as a subdivision (4-2-8)

Section 4-3

Vehicular Rights of Way

It is the intent of the regulations in this section of the LMO to facilitate the development of circulation systems which permit the safe, efficient, and orderly movement of vehicular traffic.

This section provides standards relating to:

- Overall System Design (4-3-3)
- Right of Way Classification (4-3-4)

TRAFFIC VOLUME-BASED STREET CLASSIFICATIONS

<u>Street Classification</u>	<u>Minimum ADT</u>	<u>Maximum ADT</u>
Access	-	250
Subcollector	251	400
Minor Collector	401	1,000
Major Collector	1,001	4,000
Minor Arterial	4,001	8,000
Major Arterial	over	8,000

- Alignment and Layout (4-3-5)
- Right of Way Dedication (4-3-6)
- Geometric Standards (4-3-7)

GEOMETRIC STANDARDS FOR LOCAL ROADS

<u>Classification</u>	<u>Minimum Design Speed</u>	<u>Minimum R-O-W Width</u>	<u>Residential Lot Access Permitted</u>	<u>Minimum Pavement Width (no curb & gutter)</u>
Access	30	50'	Yes	22'
Subcollector	30	50'	Yes	24'
Minor Collector	40	50'	3	24'
Major Collector	50	60'	No	26'
Minor Arterial	60	60'	No	28'
Major Arterial	60	*	No	*

- Construction Standards (4-3-8)
- Curb and Gutter Standards (4-3-9)
- Cul de Sacs (4-3-10)
- Alleys (4-3-11)
- Traffic Signs and Signals (4-3-12)
- Sight Triangles (4-3-13)

SITE TRIANGLE REQUIREMENTS

<u>Street Classification</u>	<u>Distance from Point of Intersection (feet)</u>
Access Street	20
Subcollector	20
Minor Collector	30
Major Collector	40
Minor Arterial	50

- Private Roads (4-3-14)

DESIGN FOR PRIVATE GRAVEL ROADS

No. of Lots Served by Road Segment*	Maximum Grade** (%)	Minimum Design Speed (MPH)	Stopping Sight Distance (Feet)	Minimum Gravel Surface Width (Feet)	Minimum Shoulder Width (Feet)	Subbase	Depth of VDOT Aggre- gate Base***	Surface	Minimum Right-of- Way Width
5 or less	12	25	160	20	5	4" select material VDOT Type I, II, or III	4" VDOT #25 or #26	Gravel	50
6 or more	12	35	240	20	5	6" select material VDOT Type I or II	6" VDOT #25 or #26	Gravel	50

Number of lots served shall mean the aggregate of all lots served by such road segment and all lots having access over such segment to a public road. Road segment shall mean each portion of a private road between its intersection with other private or public roads.

** Maximum grade may exceed 12 percent up to a maximum of 18 percent for a maximum length of 300 feet, provided 6" of #25 or #26 aggregate base is placed with prime and double seal surface treatment in accordance with VDOT specifications.

*** Depth of aggregate base is compacted depth. Loose aggregate of 8"± will compact to 6" depth. Loose aggregate of 5-1/2"± will compact to 4" depth.

- Acceleration/Deceleration Lanes (4-3-15)
- Widening (4-3-16)
- Street Names (4-3-17)
- Street Signs (4-3-18)

Section 4-4

Open Space and Recreation

The intent of this section of the LMO is to maintain a sense of openness associated with rural areas within newly constructed developments and the County in general, preserve and protect significant and sensitive natural and cultural resources, and provide active and passive recreational opportunities approximate to the citizens of the County.

This section provides standards related to:

- Overall Open Space Systems Design (4-4-3)
- Preservation vs. Recreational Open Space (4-4-4)
- Amenities/Resources (4-4-5)
- Pedestrian Spaces (4-4-6)
- Recreational Facility Standards (4-4-7)

BIKE/HIKE PATH DESIGN IN COMMON
OPEN SPACE AREAS

<u>Type of Path</u>	<u>Pathway Width (Feet)</u>
One-way bikeway shared with pedestrians	6+
Two-way bikeway shared with pedestrians	8+
One-way independent bikeway path	4
Two-way independent bikeway path	8

- Improvement Completion Schedules (4-4-8)
- Ownership and Maintenance (4-4-9)

Section 4-5

Water and Sewer Facilities

The provisions of this section of the LMO are intended to ensure that water and sewer facilities serve any permitted use of land associated with habitation or occupancy.

This section provides standards related to:

- Water (4-5-3a)

- When public water is available

- Central water systems

- Individual wells

- Sewer (4-5-3b)

- When public sewer is available

- Individual sewer systems

- Septic Tank Maintenance

- Provisions related to Water and Sewer Facilities

- (4-5-3c)

- Extensions

- Extension Costs

- Construction Standards

Section 4-6

Underground Wired Utilities

This section of the LMO is intended to reduce the adverse impacts of overhead utility lines by requiring all utility facilities proposed within major plans of development to be located underground.

This section provides standards related to:

- Exemptions (4-6-3b)
- Existing Above Ground Lines Grandfathered (4-6-3c)
- Use of Easements (4-6-3d)

Section 4-7

Drainage

This section of the LMO is intended to ensure that developments shall be provided with such storm drains, culverts, drainageways, or other works as are necessary to collect and dispose of surface and storm water originating on or flowing across the development, in order to prevent inundation and damage to streets, lots, and building, and to improve the water quality of the Chesapeake Bay and its tributaries.

This section provides standards related to:

- Overall Drainage System Design (4-7-3)
- Detention/Retention Area Design (4-7-4)
- Stream and Lake Sampling Requirements (4-7-5)
- Off Site Drainage Costs (4-7-6)

Section 4-8

Erosion and Sediment Control

The purpose of this section of the LMO is to conserve the land, water, air and other natural resources of Richmond County and to promote the public health and welfare of the citizens of Richmond County by establishing requirements for the control of erosion and sedimentation, and ensuring that they are administered and enforced.

This section provides standards related to:

- Applicability (4-8-3a)
- Exemptions (4-8-3b)
- Relationship with the Virginia Erosion and Sediment Control Handbook (4-8-3c)

Section 4-9

Signs

It is the purpose and intent of this section to aid the traveling public and to preserve the natural landscape through the regulation of signs. This section also restricts the placement of unsightly and detrimental signs which would tend to depreciate the value of property and hinder progressive improvements in Richmond County, and eliminate signs constituting an actual or potential hazard to safe motor vehicle operation. The regulation of the location, size, placement and certain features of signs is necessary to enable the public to locate goods, services and facilities without difficulty and confusion, and to prevent wasteful use of natural resources in competition among businesses for attention.

This section provides standards related to:

- Applicability (4-9-3a)
- Maintenance (4-9-3c)
- Consistent Design Theme (4-9-3e)
- Measuring Size and Height (4-9-4)
- Illumination (4-9-5)
- Location (4-9-6)

- Types of Signs (4-9-7)

Awning (4-9-7a)

Free Standing (4-9-7b)

FREE STANDING SIGNS

	Commercial I <u>Roadside</u>	Village <u>Center</u>	Scenic Roadside
Typical Speed Limit	35-55	less than 35	35-55
Free Standing Signs			
Height (feet)	10	6	10
Area (sq. ft.)	24	12	16
Ground Clearance (min. feet)	0	0	0

Landmark (4-9-7c)

Marquee (4-9-7d)

Multiple (4-9-7e)

Neon (4-9-7f)

Painted on Wall (4-9-7g)

Projecting (4-9-7h)

Time-Temperature (4-9-7i)

Attached to Wall (4-9-7j)

- Sign Districts (4-9-8)
 - Village (4-9-8b(1))
 - Commercial Roadside (4-9-8(2))
 - Scenic Roadside (4-9-8(3))
- Exempt Signs (4-9-9)
- Temporary Signs (4-9-10)
- Prohibited Signs (4-9-11)
- Nonconforming Signs (4-9-12)
- Permit Expiration (4-9-13)
- Sign Removal (4-9-14)

Section 4-10

Lighting

This Section is intended to ensure that lighting is provided in order to facilitate the safe and secure movement of motor vehicles, bicycles and pedestrians, as well as to provide for the security of buildings and personal property.

This section provides standards related to:

- Street Lights (4-10-4)
- Lighting in and Around Parking Areas (4-10-5)

ILLUMINATION GUIDELINES FOR STREET, PARKING,
AND PEDESTRIAN AREAS

Rights of Way

<u>Street Hierarchy</u>	<u>Area Classification</u>	
	<u>Commercial</u> (Footcandle)	<u>Residential</u> (Footcandle)
Collector	1.2	0.6
Minor-Residential Subcollector	0.9	0.4
Local	0.6	0.4
Intersections	3.0	3.0

Parking Lots

<u>Level of Activity</u>	<u>Vehicular</u> <u>Traffic</u> (Footcandle)	<u>Pedestrian</u> <u>Safety</u> (Footcandle)	<u>Pedestrian</u> <u>Security</u> (Footcandle)
Low Activity (parking areas, schools, small businesses)	0.5	0.2	0.8
Medium Activity (Multi- family, fast food, area shopping centers)	1.0	0.6	2.0
High Activity (Major shopping center)	2.0	0.9	4.0

Walks and Bikeways

<u>Walkways & Bikeway</u> <u>Classification</u>	<u>Minimum</u> <u>Average</u> <u>Level</u> (Footcandle)	<u>Average Levels</u> <u>for Special Pedestrian</u> <u>Security</u>	
		<u>Mounting</u> <u>Heights</u> 9-15 ft. (Footcandle)	<u>Mounting</u> <u>Heights</u> 15-25 ft. (Footcandle)
Roadside Sidewalks and Bikeways			
-Commercial areas	0.9	2.0	4.0
-Residential areas	0.2	0.4	0.8
Walkways and Bikepaths Distant from Roadways	0.5	0.6	1.0

Section 4-11

Off-Street Parking and Loading

This section is intended to ensure that access to a development site from adjacent vehicular rights of way are designed so as to minimize interference with traffic flows and to afford vehicles with efficient and safe ingress and egress. Pedestrian and vehicular traffic movement within the development site, with particular emphasis on the provision and layout of parking areas, off street loading and unloading facilities, and on site driveway patterns shall be reviewed to ensure that all parking spaces are usable, safe and conveniently arranged, and that the site is efficiently designed.

This section provides standards related to:

- Overall Design and General Provisions (4-11-3)
- Parking Areas (4-11-4)

PARKING SPACE DIMENSIONS

<u>Parking Angle</u>	<u>Standard Space</u>		<u>Small Car Space</u>		<u>Handicapped Space</u>	
	<u>Stall</u>	<u>Stall</u>	<u>Stall</u>	<u>Stall</u>	<u>Stall</u>	<u>Stall</u>
	<u>Width</u>	<u>Depth</u>	<u>Width</u>	<u>Depth</u>	<u>Width</u>	<u>Depth</u>
45°	9'	17.5'	7.5'	17'	12'	17.5'
60°	9'	19'	7.5'	17.5'	12'	19'
75°	9'	19.5'	7.5'	17.5'	12'	19.5'
(perpendicular)						
90°	9'	18'	7.5'	16'	12'	18'

Parallel parking spaces shall be as follows:

Standard	7.5 X 21 feet
Small Car	6 X 19.5 feet
Handicapped	11 X 22 feet

PARKING SPACE REQUIREMENTS FOR THE PHYSICALLY HANDICAPPED

<u>Total Parking Spaces in Lot</u>	<u>Required Minimum Number</u>
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of Total
Over 1,000	20, Plus 1 for each 100 over 1,000

- Driveways (4-11-5)

DRIVEWAY SPACINGS ALONG RIGHTS OF WAY

<u>Classification</u>	<u>Min. Spacing (feet)</u>
Access	40
Subcollector	50
Minor Collector	75
Major Collector	100
Minor Arterial	250
Major Arterial	350

DRIVEWAY WIDTHS

	<u>One-Way Operation</u> <u>Driveway Width</u> (Feet)	<u>Two-Way Operation</u> <u>Driveway Width</u> (Feet)
1-2 Family	9-20	NA
3-10 Family		
Residential Area	10-16	16-24
Over 10 Family	15-24	20-36
Commercial &		
Industrial	15-30	4-6

- Sidewalks (4-11-6)
- Loading Areas (4-11-7)
- Bicycle Parking (4-11-8)
- Surfacing Requirements (4-11-9)
- Maintenance (4-11-10)

Section 4-12

Landscaping and Buffering

The regulations within this section are intended to maintain the vegetated environment of the County, thereby preserving the County's rural qualities and incorporating vegetation in the form of landscaping and buffering within plans of development, thereby promoting healthier and ecologically sound community environs. This will occur because:

trees and shrubs are proven producers of oxygen, a necessary element for human survival;

trees and shrubs appreciably reduce the ever increasing environmentally dangerous carbon dioxide content of the air thereby playing a vital role in purifying the air we breathe;

trees and shrubs transpire considerable amounts of water each day and thereby purify the air much like the air-washer devices used on commercial air conditioning systems;

trees and shrubs have an important role in neutralizing wastewater passing through the ground from the surface to groundwater tables and lower aquifers;

trees and shrubs through their root systems, stabilize groundwater tables and play an important and effective role in soil conservation, erosion and flood control; and

trees and shrubs are an invaluable physical, aesthetic, and psychological counterpart to unnatural development features, making life more comfortable by providing shade and cooling of the air and land, reducing noise levels and glare, and breaking the monotony of human developments on the land, particularly parking areas.

This section provides standards related to:

- Overall Landscape Design and General Provisions
(4-12-3)
- Landscape Preservation (4-12-4)
- Site Landscaping Standards (4-12-5)
- Buffer Areas (4-12-6)

BUFFER AREA DESIGN

Adjacent Use	1*	2	3	4	5
Proposed Use	*see uses below				
1*	Zoning Setbacks	Zoning Setbacks Plant Material	15'+ Plant Material and structural elements	20'+ Plant Material and structural elements	Zoning Setbacks landscaping
2	30'+ Plant Material	15'+ Landscaping	30'+ Plant Material	Plant Material and structural elements	30' Landscaping
3	50'+ Plant Material and structural elements	15'+ Plant Material	15'+ Landscaping	15'+ Plant Material	30'+ Plant Material
4	100'+ Plant Material and structural elements	15'+ Plant Material and structural elements	15'+ Plant Material	15'+ Landscaping	30'+ Plant Material

Use Legend

1. Low intensity residential
2. Moderate intensity residential, low intensity institutional, low intensity commercial, low intensity recreational.
3. Intense intensity residential, moderate intensity institutional, moderate intensity commercial, low/moderate intensity industrial, moderate intensity recreational.
4. High intensity residential, high intensity institutional, high intensity commercial, high intensity recreational, high intensity industrial.
5. All roads.

Buffer Legend

Zoning setbacks - as required by Article 3.

Landscaping - (Section 4-12-5d)

Plant Material Buffers - Plant materials used for buffers shall be natural or landscaped, in either case creating a visual screen at least six (6) feet in height. The plant screen shall be installed at the time of inspection for Certificate of Compliance and shall be of sufficient size and quantity such that the minimum height and the visual screening between plants can be achieved within one (1) year of installation.

Structural Elements - Structural elements such as fences, walls, earthen berms or other elements, as approved, shall be at least six (6) feet in height although such height can be altered to preserve significant land forms or other significant resources. An adequate distance shall be maintained between the structure and the exterior property line for plant material and access for its maintenance. Structural elements shall be installed at the time of inspection for Certificate of Compliance.

- Needs to be on next page preceding the table Plant Material
(4-12-7)

VEGETATION SUITABLE FOR SCREENING

<u>Common Name</u>	<u>Species</u>	<u>Mature Height (ft.)</u>	<u>Spread</u>
LARGE DECIDUOUS TREES FOR SHADING			
Ginko	Ginkgo biloba (male only)	80	40
Honeylocust*	Gleditsia triacanthos inermis 'Shademaster'	50	30
Laurel Oak	Quercus laurifolia	60	40
Littleleaf Linden	Tilia cordata	50	35
London Plane-Tree	Platanus acerifolia	80	50
Red Maple*	Acer rubrum 'October Glory'	60	40
Red Oak	Quercus rubra	70	55
Scarlet Oak	Quercus coccinea	70	55
Sweet Gum	Liquidambar styraciflua	80	40
Sycamore*	Platanus occidentalis	80	50
Willow Oak	Quercus phellos	50	40
Zelkova	Zelkova serrata 'Green Vase'	80	55

LARGE EVERGREEN TREES FOR SCREENING

Carolina Hemlock	Tsuga caroliniana	75	40
Eastern Red-Cedar	Juniperus virginiana	45	20
Southern Magnolia	Magnolia grandiflora	50	30

SMALL TREES FOR PARTIAL SCREENING

American Holly	Ilex opaca (evergreen)	40	20
American Hornbeam	Carpinus caroliniana	30	20
Bradford Pear	Pyrus calleryana 'Bradford'	40	20
Carolina Cherry-Laurel	Prunus caroliniana		
Crape Myrtle	Lagerstroemia indicia	20	15
Eastern Redbud	Cercis canadensis	35	25
Flowering Dogwood	Cornus florida	30	25
Golden-Rain Tree	Koelreuteria paniculata	25	30
River Birch	Betula nigra	50	30
Russian Olive	Elaeagnus angustifolia	20	20
Sourwood	Oxydendrum arboreum	35	

Common Name	Species	Mature	
		Height (ft.)	Spread

LARGE SHRUBS FOR EVERGREEN SCREENING

Fraser Photinia	Photinia fraseri		
Fortune's Osmanthus	Osmanthus fortunei		
Glossy Privet*	Ligustrum lucidum	18	10
Japanese Privet*	Ligustrum japonicum		
Japanese Photinia	Photinia glabra		
Nellie R. Stevens Holly	Ilex 'Nellie R. Stevens'		
Thorny Elaeagnus*	Elaeagnus pungens	10	8
Yaupon Holly	Ilex vomitoria		

SMALL SHRUBS FOR EVERGREEN SCREENING

Chinese Holly	Ilex cornuta 'Burfordii'		
Laurustinus	Viburnum tinus		
Mentor Barberry	Berberis mentorensis		
Meserve Holly	Ilex meserveae		
Parney Cotoneaster	Cotoneaster lacteus		
Pfitzer Juniper*	Juniperus chinensis 'Pfitzerana'	6	8
Wintergreen Barberry	Berberis julianae	6	4

* Rapid Growth Rate

MINIMUM PLANT SIZE AT PLANTING

<u>Plant Material Type</u>	<u>Minimum Size</u>	<u>Minimum Branch Spread</u>
Trees:		
<u>Deciduous</u>		
Shade	10' height and 1-1/2" caliper*	4'
Flowering/ Ornamental		
-single-stem	8' height and 1-1/4" caliper	4'
-multi-stem	8' height	4'
<u>Evergreen</u>	4' height and 1-1/4" caliper	N/A
Shrubs:		
<u>Deciduous</u>	24" height or spread	N/A
<u>Evergreen</u>	18" height or spread	N/A

* At least fifty percent (50%) of the deciduous shade trees required for installation in parking lots shall have a minimum caliper of two and one-half inches (2-1/2").

- Fences, Walls, Berms (4-12-8)
- Maintenance (4-12-9)

Section 4-13

Performance Standards

It is the intent of this section to minimize the adverse effects associated with emissions which occur as a result of various land use activities, particularly industrial uses. Agricultural uses are exempt from these provisions.

This section provides standards related to:

- Noise (4-13-31)

PERMISSIBLE SOUND LEVELS AT PROPERTY LINES

Octave Band (cycles per second)	Maximum Decibels	Maximum Decibel Adjacent to a Residential Use
20 - 75	72	66
75 - 150	70	64
150 - 300	65	59
300 - 600	59	53
600 - 1,200	55	49
1,200 - 2,400	47	41
2,400 - 4,800	41	35
above 4,800	39	33

- Vibration (4-13-3b)
- Air Pollution (4-13-3c)
- Steam (4-13-3d)
- Heat (4-13-3e)
- Glare (4-13-3f)
- Radioactivity (4-13-3g)
- Solid Waste/Liquid Pollution (4-13-3h)
- Toxic Matter (4-13-3i)
- Odor (4-13-3j)

Section 4-14

Easements

It is the intent and purpose of these regulations to facilitate the limited use of private property for the public good for purposes such as conservation of resources, and the location of private driveways and utility systems.

This section provides standards related to:

- Location and Use (4-14-3a)
- Conservation and Easements (4-14-3a(7))
- Width (4-14-3b)

Section 4-15

Storage and Waste Disposal

It is the intent of Richmond County that stored goods and the solid waste generated by the citizens and businesses of the County be responsibly stored, dispensed, and disposed.

This section provides standards related to:

- Recycling (4-15-3a)
- Storage and Waste Disposal (4-15-3b)
- Refuse Collection (4-15-3c)

Section 4-16

Emergency Services

The intent of this section is to ensure the adequacy of fire protection and emergency services to all citizens of the County.

This section provides standards related to:

- Fire Protection (Fire lanes, hydrants, etc.)

(4-16-3a)

Section 4-17

Waterfront Facility Design

It is the intent of this section to ensure that public access to waterways is adequately provided and properly designed, particularly as it relates to boating facilities, and in such a way that the environmental quality of shorelines is not compromised.

This section provides standards related to:

- Provisions for Public Access (4-17-3)
- General Design of Access Facilities (4-17-4)
- Marinas and Public Boat Ramps (4-17-5)
- Private Boat Ramps (4-17-6)
- Boathouses (4-17-7)
- Piers and Docks (4-17-8,9)
- Mooring Buoys (4-17-10)

Section 4-18

ROSCO Design Standards

The continuation of Richmond County's traditional land use pattern of rural villages, towns and farmsteads surrounded by open space, in which traditional occupational pursuits such as agriculture occur, and the continuing protection of critical and significant environmental and cultural resources requires supplementary design standards to the zoning provisions of Section 3-11. These standards will assist in ensuring that the intent and purpose of the LMO, as it relates to the predominant patterning of land development initiatives within the County, is clearly enunciated. Where there are conflicts between these provisions and those in other sections of Article 4, these provisions shall apply.

This section provides standards related to:

- Overall Rural Village and Hamlet Design (4-18-3)
- Village Design (4-18-4 to 4-18-9)
- Hamlet Design (4-18-10)
- Farmstead Design (4-18-11)
- Single Family and Large Lot (4-18-11)

Section 4-19

Designation of Historic Site Districts and Historic and Cultural Conservation Districts

This section provides standards for the identification and protection of historic sites and historic and culturally significant land areas within Richmond County for their eventual inclusion within delineated and designated historic districts.

This section provides standards related to:

- Criteria for Designation (4-19-3)
- Application Procedures (4-19-4 to 4-19-7)
- Inventory of Historic Structures (4-19-8)
- Application and Procedures to Raze or Demolish Historic Sites (4-19-12 to 4-19-16)

APPENDIX

PRE-APPLICATION FOR
PROPOSED LAND DEVELOPMENT
RICHMOND COUNTY, VIRGINIA

OWNER(S): _____
Address: _____
Telephone No. (Daytime): _____

APPLICANT: _____
Address: _____
Telephone No. (Daytime): _____

NAME OF DEVELOPMENT: _____
LOCATION: _____
TAX MAP NO. _____ PARCEL NO. _____ ZONING _____
PARCEL SIZE _____ FRONTAGE WIDTH _____

PROPOSED LAND DEVELOPMENT ACTIVITY: _____

REQUESTING A RESOURCE INVENTORY? Yes _____ No _____

SIGNATURE _____
(Applicant) (Date)

FOR THE APPLICANT'S USE FOLLOWING THE PRE-APPLICATION CONFERENCE
(To be completed by the Land Use Administrator)

CONFERENCE DATE: _____

REVIEW COMMENTS: _____

PERMITS OR APPROVALS NEEDED:

_____ from _____
_____ from _____
_____ from _____
_____ from _____

PUBLIC HEARING REQUIRED
Yes _____ for _____
No _____

SIGNATURE _____
(Land Use Administrator) (Date)

USE THIS SIDE FOR DIAGRAMS, DRAWINGS, NOTETAKING, ETC.

APPLICATION NO.: _____
DATE FILED: _____

LAND MANAGEMENT ORDINANCE MASTER FORM
RICHMOND COUNTY, VIRGINIA

OWNER(S): _____
Address: _____ Telephone No. (Daytime): _____
APPLICANT: _____
Address: _____ Telephone No. (Daytime): _____
Relationship to Owner: Same _____ Option Holder _____
Agent _____ Other _____
NAME OF DEVELOPMENT: _____
LOCATION: _____
TAX MAP NO. _____ PARCEL NO. _____ ZONING _____ PARCEL SIZE _____

REQUEST

The Land Use Administrator will assist the applicant in the completion of this section.

PLAN OF DEVELOPMENT APPROVAL:

_____ Sketch Plat/Plan (2-2-8)	_____ Minor Subdivision/Site
_____ General Development Plan (2-2-11)	_____ Plan (2-2-10)
_____ Preliminary Subdivision/Site Plan	_____ Final Subdivision Site Plan (2-2-11)
_____ (2-2-11)	_____ Minor Adjustment to an Approved
	_____ Subdivision/Site Plan (2-2-13, 2-2-12)
_____ Erosion & Sediment Control Plan	_____ Submittal Requirement Waiver (2-2-7)
_____ (4-8)	_____ Design/Performance Standard Waiver
_____ Agreement in Lieu of E&SC Plan	_____ (4-1-2)
_____ (4-8-3c(1))	_____ Nonconforming Use and Development Waiver/
_____ Certificate of Compliance (2-9-1)	_____ RPA (3-14-10)
_____ Certificate of Compliance/Signs	_____ Buffer Reduction/RPA (3-14-11c)
_____ (4-9)	_____ Design/Performance Standard Appeal
_____ Manufactured Home Removal/(Re)	_____ (2-4-1)
_____ Location (3-15-12c,g)	_____ Variance (3-7)
_____ Exemption Confirmation (3-14-7,8)	_____ Variance/RPA (3-14-15)
_____ Nonconforming Status Confirmation	_____ Zoning Appeal (2-4-1)
_____ (2-6-5)	_____ Zoning Interpretation (3-3-1)
_____ Exception Confirmation/RPA (3-14-14)	_____ Wetlands Permit (3-14-4)
_____ Density Bonus (3-18)	
_____ Conditional Zoning (3-9)	
_____ Special Use Permit (3-17)	
_____ Ordinance Amendment/Rezoning (2-5)	

Use this space to explain the nature of your request:

List the maps and other materials accompanying this application:

I have read the foregoing and certify that all the information contained in the papers submitted herewith are true to the best of my knowledge.

Applicant: _____ Date: _____

I am (we are) aware of and consent to the filing of this application:

Owner(s): _____ Date: _____
_____ Date: _____

FOR COUNTY USE ONLY

Completeness of Application: _____ Complete _____ Incomplete for lack of the following:

Compliance with Ordinance Provisions: _____ Complete _____ Not in compliance with the following Ordinance provisions:

Application Referral to: _____ Public Hearings: _____
_____ Hearing: _____
_____ Date: _____
_____ Notice Provided: _____

Action Taken: _____
By: _____ By: _____
Date: _____ Date: _____
Action: _____ Action: _____
Minutes Attached

If approved, a Certificate of Compliance issued on _____ (attached)

Applicant Notified: _____ (Date) _____ (Land Use Administrator)

PROCEDURES

ONE-STOP APPLICATION PROCESS ESTABLISHED

The Richmond County Land Management Ordinance was created to implement a one-stop land development application process so as to conserve the time and expense of applicants and County officials involved in the land development permitting process. Applicants will meet with and be guided by the Land Use Administrator who is responsible for coordination of the development review and decision making process.

RESPONSIBILITIES OF THE LAND USE ADMINISTRATOR

The responsibilities of the Land Use Administrator include:

- a. Administering and enforcing the zoning and development design and implementation provisions of this Ordinance.
- b. Maintaining an accurate record of all amendments to the text and maps of this Ordinance.
- c. Receiving all applications submitted to Richmond County for development permits.
- d. Reviewing every application for completeness and

compliance with the provisions of this Ordinance.

- e. Determining which decision-making procedure (DMP) is specified by this Ordinance as the appropriate decision-making process, and facilitating the processing of every application.
- f. Determining which local, state, and federal agencies may be able to provide relevant information thereby ensuring a thorough and complete review of every application and advising those agencies which may want knowledge of an issued permit.
- g. Providing staff support to and enforcing all decisions made by the Board of Supervisors, Board of Zoning Appeals, and Wetlands Board.
- h. Notifying the applicant by written notice of an approval, approval with conditions, or denial within ten (10) days of final action.
- i. Conducting inspections of buildings and other structures, and uses of land to determine compliance with the provisions of this Ordinance.
- j. Performing such other duties and functions as are

required by the provisions of this Ordinance.

PLAN OF DEVELOPMENT PROCESS

The administration of this ordinance focuses on a plan of development submission and review process which provides for the review of development proposals requiring approvals. The Plan of Development Approval Procedures is depicted in Exhibit 1.

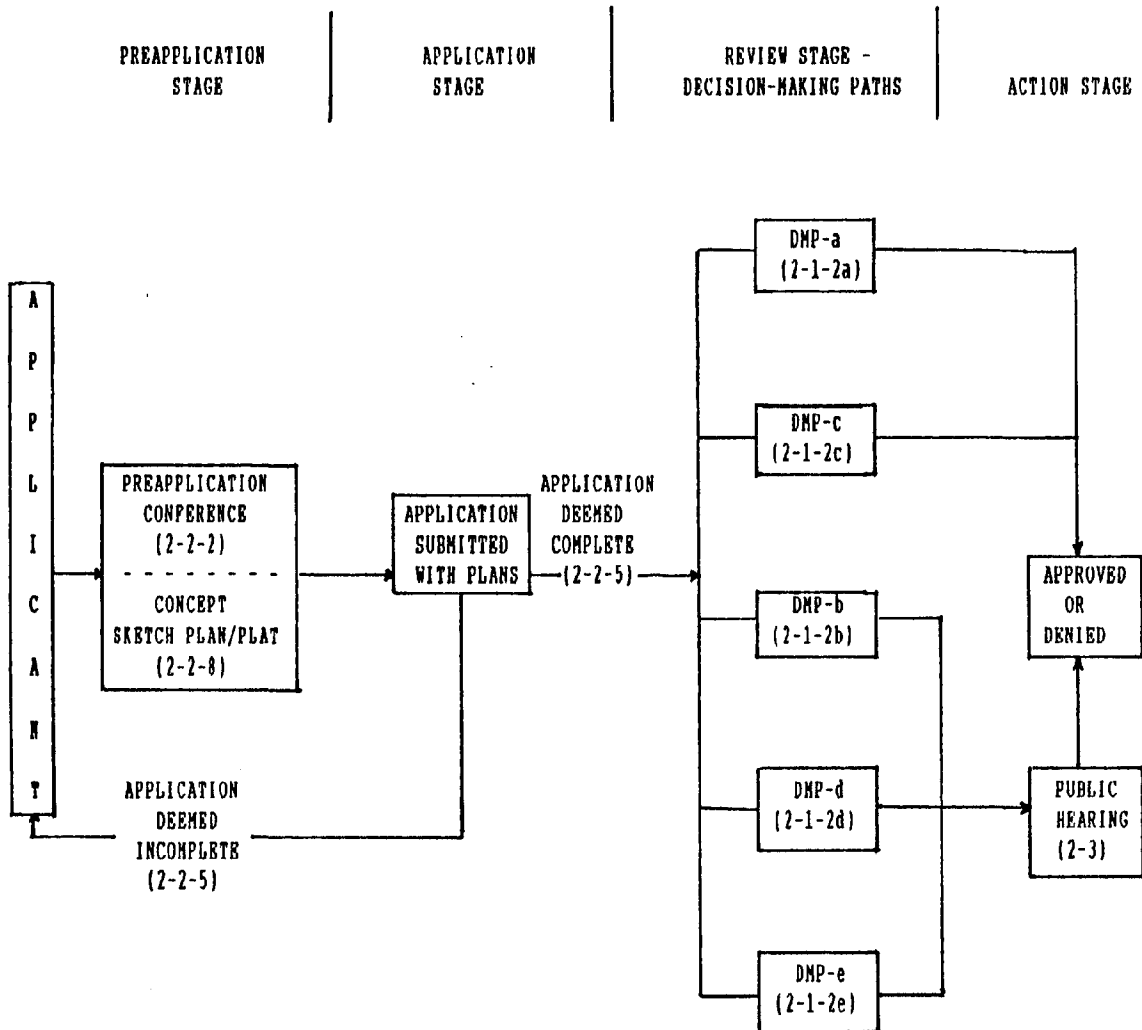
APPLICATION OF THE PLAN OF DEVELOPMENT PROCESS

a. Activities Regulated by this Ordinance

For purposes of this ordinance, the following activities shall be considered to be developments which shall adhere to the requirements of the Land Management Ordinance:

- (1) Land Disturbing Activity - Any land disturbing activity which would disturb an area 2,500 square feet or greater in size.
- (2) Subdivision - The division of land into two or more lots unless exempted in b.8. below.

EXHIBIT 1
PLAN OF DEVELOPMENT
APPROVAL PROCEDURE



(ordinance section number)

- (3) Change in use - A material change in the type of use of a structure or land, whether temporary or permanent, which would tangibly affect the area's natural environment, parking requirements, transportation patterns, public health or economic values.
- (4) Construction, reconstruction or alteration - A building operation involving construction, reconstruction or alteration of the size of a structure which would result in a tangible effect on the area's natural environment, parking requirements, transportation patterns, public health or economic values.
- (5) Increase in land use intensity - A material increase in the intensity of land use, such as an increase in the number or size of businesses, manufacturing establishments, offices or dwelling units in a structure or on land, when such increase would tangibly affect the area's natural environment, parking requirements, transportation patterns, public health or economic values.
- (6) Mining, filling or dredging - Commencement of any mining, filling or dredging operation on a parcel of land.

(7) Change in effects of conditions - In connection with the use of land, the making of any material change in noise levels, vibration levels, lighting intensity, thermal conditions, odors or emissions of waste material.

(8) Alteration of a shore, bank or floodplain - Material alteration of a shore, bank, or floodplain of a river, stream, lake or other natural water body.

(9) Reestablishment of an abandoned use - Reestablishment of a use on land (excluding forestry and farming activities) or in a structure which has been abandoned for one year or more and which use, site and structure do not conform to this ordinance.

b. Activities Exempt from the Requirements of this Ordinance

The following activities shall not be considered development requiring the submission of a plan of development to the Land Use Administrator for review unless the activity is not permitted or is restricted in any base or overlay zoning district. When requested by an applicant in writing, the Land Use Administrator

will reply in writing formally confirming the exempt status of the proposal.

- (1) Minor Land Disturbing Activities - Minor land disturbing activities such as home gardens and individual landscaping, repairs and maintenance work.
- (2) Service Connections - Individual service connections.
- (3) Underground Utilities - Installation, maintenance or repair of any underground public utility lines when such activity occurs on an existing hard surfaced road, street or sidewalk provided the land-disturbing activity is confined to the area of the road, street or sidewalk which is hard-surfaced.
- (4) Agricultural Activities - Tilling, planting, or harvesting of agricultural, horticultural, or forest crops or livestock feedlot operations, including agricultural engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land

drainage and land irrigation.

- (5) Transfer of Title - A transfer of title to land not involving the division of land into parcels.
- (6) Leases and Easements - The creation or termination of leases and easements concerning development of land, or other rights, except that no easement required by this chapter or made a condition of plan of development approval may be terminated without the approval of the County.
- (7) Legal Exhibits and Documents - The recording of any documents or plats/plans expressly for the purposes of reference or attachment to a publicly recorded document when such recording does not result in subdivision of land into parcels. Such recording may include, but is not limited to, documents such as master deeds or covenants, or plats/plans for mortgage or HUD filing purposes.
- (8) The following actions are exempt if no new streets are created or existing streets changed:

The sale or exchange of parcels between adjoining property owners where such sale or exchange does not create additional building sites or create a

lot or parcel which does not meet the minimum area and dimensional requirements of this or other County ordinances.

The combination or recombination of portions of previously subdivided lots where the total number of lots is not increased and the resultant lots comply with the minimum area and dimensional requirements of this and other County ordinances.

The division of a tract of land in order that one or more of the resulting parcels may be used as part of a well lot, public utility right-of-way, or other public or private right-of-way other than a street, provided no additional building lots are created.

The partition of lands by court order or by testamentary or intestate provisions.

Where a viable dwelling unit exists on a large tract of property, a lot may be created to include the dwelling unit. Such a lot must meet the maximum area and dimensional requirements of this or other County ordinances. An existing legal right-of-way will be sufficient to provide access to the lot as long as the lot created is precluded

from future subdivision by deed restrictions.

Divisions of large tracts of property where the resultant parcels shall be used for agricultural, forestal or other undisturbed open space provided such parcels are served by a right-of-way with a minimum width of twenty-five (25) feet. The plats and deeds for such parcels shall show the parcels are not for residential or other use except as aforestated.

Sale or gift of a single division of a lot or parcel to each member of the immediate family of the property owner which shall not be for the purpose of circumventing this Ordinance, shall be subject to the minimum lot area, dimensional and environmental requirements of this Ordinance shall not result in the creation of new streets and shall be surveyed and then recorded in the Courthouse. For the purpose of this section, a member of the immediate family is defined as any person who is a natural or legally defined offspring, spouse, or parent of the owner.

- (9) The sale or exchange of parcels between adjoining property owners where such sale or exchange does not create additional building sites, streets, or

a lot or parcel which does not meet the minimum area and dimensional requirements of this Ordinance.

(10) Maintenance, Renewal, Improvement or Alteration - Work for the maintenance, renewal, improvement or alteration of any structure which involves no material change of use and is confined to the interior in its entirety and exterior facade, excluding signs. Material alterations to structures affected by the HISTORIC RICHMOND Overlay District are not exempt.

(11) Incidental Dwelling Uses - The use of any structure or land devoted to single family dwelling uses for any purposes customarily associated with the enjoyment of such dwelling.

(12) Home Occupations Within - Home occupations confined entirely within a residential structure and clearly as a secondary use, with no advertising of the home occupation allowed on the site or on the structure, and not disruption to the normal character of the neighborhood or area.

(13) Temporary Uses, Non-Material - Those activities of short duration or of a seasonal nature which do

not materially affect the area's natural environment, parking requirements, transportation patterns, public health or economic values.

- (14) Public Projects - The construction of any public street or other public way, grounds, building, structures or public utility which was approved by a public agency under separate, comparable administrative procedures.

PRE-APPLICATION STAGE

PRE-APPLICATION CONFERENCE

An applicant or the applicant's authorized representative is strongly urged to arrange a pre-application conference with the Land Use Administrator. The purpose of the conference is to:

- a. Acquaint the applicant with the substantive and procedural requirements of this Ordinance (Exhibits 2, 3 and 4 provide information relative to various applications and associated procedural requirements).
- b. Provide for an exchange of information regarding the proposal as well as applicable elements of the comprehensive plan and pertinent regulatory and submission requirements. The Land Use Administrator will advise the applicant of which applications contained in the Appendix must be submitted.
- c. Advise the applicant of any known state or federal permits which must be obtained.
- d. Identify policies, regulations and site features that create opportunities or pose significant constraints for the proposed development.

- e. Obtain copies of all necessary applications (copies of applications are located in the Appendix).
- f. Order a Resource Inventory for Pre-Development Planning and Design.

USE OF A RESOURCE INVENTORY FOR PRE-DEVELOPMENT PLANNING AND DESIGN WITH EVERY APPLICATION FOR DEVELOPMENT

Unless waived in whole or in part as provided by Section 2-2-7, all applications shall be accompanied by a Resource Inventory for Pre-Development Planning and Design (Resource Inventory). This Resource Inventory shall consist of a composite inventory map of the site's significant and sensitive natural and cultural resources. The decisions rendered by Richmond County in consideration of applications for development will be based in large part on the sensitivity of the applicant's proposal as it relates to these significant and sensitive features. Richmond County will look most favorably upon development proposals which preserve, protect and accommodate resources through the careful positioning and placement of land development activities away from these resources.

This map will be generated by the Richmond County Resource Information System, a computer database, and provided to prospective applicants upon request and in return for payment of the prescribed fee. Prospective applicants are encouraged to

secure this information from the Land Use Administrator at the Pre-Application Conference (Section 2-2-2) so it can be used as a basis for the development of sketch plats/plans (Section 2-2-8) and subsequent submittals. Resource factors included in the Resource Inventory for Pre-Development Planning and Design are tidal wetlands, tidal shores, connected and non-connected nontidal wetlands, flood plains, steep slopes, highly erodible and permeable soils, historic and archaeological sites, septic suitability, prime agricultural lands, significant habitat areas, and significant viewsheds.

SUBMISSION OF SKETCH PLATS AND SKETCH PLANS

A conceptual sketch of the proposed subdivision or site plan is not required but is strongly recommended as an option which may help expedite the review of an application. The submission of a conceptual sketch affords the applicant the opportunity to discuss the proposal in its formative stages and receive the advice of the Land Use Administrator relative to procedural requirements and applicable ordinance provisions.

The applicant shall submit two (2) copies of the sketch along with a completed application form. The conceptual sketch should contain sufficient information accurately depicted in order to permit the Land Use Administrator to responsively and responsibly be of assistance. The Land Use Administrator shall return a

marked up copy of the sketch plat/plan to the applicant depicting any comments and recommendations. The second copy and accompanying application form will be retained for filing.

APPLICATION STAGE

SUBMISSION OF A COMPLETE DEVELOPMENT PERMIT APPLICATION

Application materials shall be submitted to the Land Use Administrator, who will indicate the date of submission on the application. Within ten (10) working days after the date of submission, the Land Use Administrator will determine whether an application is sufficiently complete to be forwarded along the proper DMP.

If the Land Use Administrator determines that the application is incomplete or the necessary attachments have not been submitted, he will immediately notify the applicant of this negative determination by mail or otherwise convey an explanation to the applicant. An application for which a negative determination has been made may be resubmitted (without charge if the original fee submission was as required) after it is revised to overcome the reasons for the negative determination.

If a development permit application is in conformance with the submission provisions, the Land Use Administrator will accept it, deem it to be complete, note the date of acceptance, assign an application number, and initiate application processing in accordance with the appropriate Decision-Making Path (DMP).

The documents to be submitted are intended to provide the approving authority with sufficient information and data to ensure that the proposed development meets the zoning and design and improvement standards contained in this Ordinance. The documents to be submitted will vary depending upon the nature of the development request and its particular position within the development approval process. Generally, the documents and details to be submitted are shown on Exhibit 2.

The potential impact of larger plans of development on the County, as well as any development in close proximity to naturally or culturally significant areas, may require a more detailed level of scrutiny on the part of the plan-approving authority. If it is deemed that a project may be of potential negative impact which would compromise the integrity of the Comprehensive Plan, or be inconsistent with the purposes of the Ordinance as stated in Section 1-3 or with the overall spirit of the Ordinance, the plan-approving authority may require the submission of a Community Impact Analysis. The precise content of a Community Impact Analysis will be made specific by the plan-approving authority in response to the specific concerns it has with the development proposal. However, the scope of issues which the plan-approving authority could request the applicant to address include, but are not limited to:

- Archaeological and Historic Inventories
- Cultural and Natural Resource Impact Studies

- Fiscal Impact Analysis
- Governmental Services Impact Analysis
- Groundwater Studies
- Residential and Commercial Market Studies defining capacity for growth and impact on existing markets
- Traffic Impact Analysis
- Utility Analysis

WAIVER OF SUBMISSION REQUIREMENTS

The Land Use Administrator may waive all or some of the submission requirements for those applications within DMP-a if he has determined that a complete and thorough review of the application can be accomplished without submittal data which is absent. The Land Use Administrator shall document the reasons for waiving submission requirements.

The approving authorities within DMP-b to DMP-e will make the final determination if a waiver from submittal requirements is warranted. The fact that the Land Use Administrator may label an application within DMP-b to DMP-e as complete for processing does not preclude the approving entity from requesting the submission of clarifying information or additional data.

SIMULTANEOUS REVIEW OF PLATS AND PLANS AND OTHER REQUESTS

- a. Where a proposed subdivision is a part of a development for which site plan approval is required, the subdivision plat/plan and the site plan will be reviewed at the same time as nearly as possible under the requirements of these regulations.
- b. With the approval of the plan-approving agent, preliminary and final approval may be combined into a single submission requesting final approval.
- c. Plats and plans may be approved conditionally pending receipt of other approvals such as variance relief, wetlands permits, special use permits, etc.

SPECIFIC APPLICATIONS

The various applications for which submittals and approvals may be required are shown in Exhibit 4 contained in the following section related to the REVIEW/ACTION STAGE. This manual does not discuss these applications in detail although it does provide Ordinance section numbers to refer applicants to applicable ordinance provisions. The Land Use Administrator will council all applicants in this regard, preferably at the PRE-APPLICATION STAGE.

EXHIBIT 2

REQUIRED SUBMISSION DOCUMENTS

Item No.	Description	DEVELOPMENT STAGE							
		Preapplication Sketch Plan/ Plat (optional)	Minor Application		General Development Plan	Major Application			
			Subdivision	Site Plan		Subdivision	Site Plan	Prelim	Final
						Prelim	Final	Prelim	Final
1. PROJECT-PLAT INFORMATION									
1.	Name, address of owner and applicant.	X	X	X	X	X	X	X	X
2.	Name, signature, license number, seal and address of engineer, land surveyor, architect, planner, and/or landscape architect, as applicable, involved in preparation of plat.	X	X	X	X	X	X	X	X
3.	Title block (See Exhibit 5 of Ordinance)	X	X	X	X	X	X	X	X
4.	A key map at a scale of not less than one inch equals two thousand feet (1"=2000') showing location of tract with reference to surrounding properties, streets, jurisdictional boundaries, etc., within 500'; date of current survey.	X	X	X	X	X	X	X	X
5.	A schedule of required and provided zone district(s) requirements including lot area, width, depth, yard setbacks, building coverage, open space, parking, etc. (Article 3)	X	X	X	X	X	X	X	X
6.	North arrow and scale (1"=100' or as accepted)	X	X	X	X	X	X	X	X

EXHIBIT 2 (cont.)

REQUIRED SUBMISSION DOCUMENTS

		DEVELOPMENT STAGE							
Item No.	Description	Preapplication Sketch Plan/ Plat (optional)	Minor Application		Major Application				
			Subdivision	Site Plan	General Development Plan	Subdivision		Site Plan	
						Prelim	Final	Prelim	Final
7.	Evidence that taxes are current.		X	X	X	X	X	X	X
8.	Appropriate certification blocks. (See Exhibit 5 of the Ordinance)		X	X		X	X		
9.	Appropriate signature blocks for approvals. (See Exhibit 5 of the Ordinance)		X	X	X	X	X	X	X
10.	Monumentation. (4-2-7)		X				X		
11.	Drawn on sheets measuring 18"x24".		X			X	X	X	X
12.	Metes and bounds description showing dimensions, bearings, curve data, length of tangents, radii, arcs, chords and central angles for all centerlines and rights-of-way, and centerline curves on streets.		X	X			X		X
13.	Acreage of tract to the nearest tenth of an acre (for GDP, to nearest acre).	X	X	X	X (general)		X		X
14.	Date of original and all revisions.	X	X	X	X	X	X	X	X
15.	Size and location of any existing or proposed structures with all setbacks dimensioned	X (general)	X	X	X (general)	X	X	X	X

EXHIBIT 2 (cont.)

REQUIRED SUBMISSION DOCUMENTS

Item No.	Description	DEVELOPMENT STAGE							
		Preapplication	Minor Application		Major Application				
		Sketch Plan/ Plat (optional)	Subdivision	Site Plan	General Development Plan	Subdivision		Site Plan	
						Prelim	Final	Prelim	Final
16.	Location and dimensions of any existing or proposed streets on or within 200' of site.	X (general)	X	X	X (general)	X	X	X	X
17.	Property owners and lines of all parcels within 200' identified on most recent tax map sheet.			X	X	X	X	X	X
18.	All proposed lot lines and area of lots in square feet.		X	X		X	X	X	X
19.	Copy and/or delineation of any existing or proposed deed restrictions or covenants.	X (if available)	X	X	X	X	X	X	X
20.	Any existing or proposed easement or land reserved for or dedicated to public use.	X (if available)	X	X	X	X	X	X	X
21.	Development stages or staging plans.				X (general)	X	X	X	X
22.	List of required regulatory approvals or permits. ¹		X	X	X		X		X
23.	List of variances required or requested. ¹ (3-7)		X	X		X	X	X	X

EXHIBIT 2 (cont.)

REQUIRED SUBMISSION DOCUMENTS

Item No.	Description	DEVELOPMENT STAGE						
		Preapplication Sketch Plan/ Plat (optional)	Minor Application		Major Application			
			Subdivision	Site Plan	General Development Plan	Subdivision Prelim	Subdivision Final	Site Plan Prelim Final
24.	Requested or obtained design waivers or exceptions. ¹ (4-1-2)		X	X		X	X	X X
25.	Payment of application fees.		X	X	X	X	X	X X
II. SETTING-ENVIRONMENTAL INFORMATION								
26.	Resource Inventory (2-2-4)	X	X	X	X	X	X	X X
27.	Topographical features of subject property from U.S.C. & G.S. map.	X		X	X			X
28.	Existing and proposed contour intervals referenced to USGS datum. Contours to extend at least 200' beyond subject property as follows: up to 3 1/4 grade = 1' 3 1/4 + grade = 2'					X	X	X X
29.	Boundary, limits, nature and extend of wooded areas, specimen trees, and other significant physical features.	X (general)	X	X	X (general)	X	X	X X

EXHIBIT 2 (cont.)

REQUIRED SUBMISSION DOCUMENTS

Item No.	Description	DEVELOPMENT STAGE							
		Preapplication	Minor Application		Major Application		Major Application		
		Sketch Plan/ Plat (optional)	Subdivision	Site Plan	General Development Plan	Subdivision Prelim	Final	Site Plan Prelim	Final
30.	Existing system of drainage of subject site and generally, of any larger tract or basin of which it is a part.		X ²	X ²		X	X	X	X
31.	Preliminary architectural plan and elevations when required (4-1-2 and/or by 3-13)								
32.	Spot and finished elevations at all property corners, corners of all structures or dwellings, existing or proposed first floor elevations.		X ²	X (general location of buildings)	X	X	X	X	X
33.	Lot and block pattern, layout of streets (4-2-2)	X	X	X	X	X	X	X	X
34.	New block and lot numbers confirmed with Commissioner of Revenue.						X		
35.	Right of way design, etc. (4-3-2)					X	X	X	X
36.	Open space and recreation plans and patterns. (4-4-2)	X (general)			X (general)	X	X	X	X

EXHIBIT 2 (cont.)

REQUIRED SUBMISSION DOCUMENTS

Item No.	Description	DEVELOPMENT STAGE					
		Preapplication Sketch Plan/ Plat (optional)	Minor Application Subdivision	Site Plan	General Development Plan	Major Application Subdivision Prelim Final	Site Plan Prelim Final
37.	Proposed utility infrastructure plans, including sanitary sewer, septic tank and drainfields (primary and reserve), storm sewers, water, telephone, electric, and cable TV. (4-5-2 and 4-6-2)		X	X	X (general)	X X	X X
III. ASSESSMENTS, IMPROVEMENTS AND CONSTRUCTION INFORMATION							
38.	Health Dep't permits. ¹ (4-5-2)	X (if available)	X	X		X X	X X
39.	Drainage calculations, plans, etc. (4-7-2)		X ²	X ²	X (general)	X X	X X
40.	Erosion and Sediment Control Plan. (4-8-2)		X ²	X ²		X X	X X
41.	Site Identification signs, traffic control signs, and directional signs. (4-9-2)					X X	X X
42.	Lighting plan and details. (4-10-2)			X		X X	X X
43.	Off street parking and plan showing spaces, size and type, aisle width, curb cuts, drives, driveways, and all ingress and egress areas and dimensions, etc. (4-11-2)					X X	X X

EXHIBIT 2 (cont.)

REQUIRED SUBMISSION DOCUMENTS

Item No.	Description	DEVELOPMENT STAGE						
		Preapplication Sketch Plan/ Plat (optional)	Minor Application Subdivision	Site Plan	General Development Plan	Major Application Subdivision		Site Plan
						Prelim	Final	Prelim Final
44.	Landscape plan and details. (4-12-2)		X	X		X	X	X X
45.	Performance standard compliance (4-13-2) ²							
46.	Easements, type and location (4-14-2) ³							
47.	Solid waste management plan including recycling facilities. (4-15-2)			X ³				X X
48.	Emergency Service details (4-16-2) ³							
49.	ROSCO design (4-18-2) ³							
50.	Shoreline stabilization structures, docks, piers, boat ramps and other water- related structures. (4-17-2, 3-14-4) ³							
51.	Performance/Maintenance Guarantees. (2-5) ³							
52.	Community Impact Analysis. (2-2-6) ³							
53.	Water Quality Impact Assessment. (3-14-3) ²		X	X		X	X	X X

Notes:

X = items required at indicated development stage.

1. Conditional approval may be granted subject to other regulatory approvals. Wetland permits, if necessary, must be obtained and submitted to the Land Use Administrator before final approval is granted.
2. Must only be prepared if development proposal is within Resource Protection Area or if required by the Land Use Administrator.
3. As and when required.

4

REVIEW/ACTION STAGE

DECISION-MAKING PATHS (DMPs) WITHIN THE PLAN OF DEVELOPMENT
APPROVAL PROCESS

As shown on Exhibit 1, there are five different types of decision-making paths (DMPs) necessary in order to administer the provisions of this Ordinance. These five DMPs are explained below and in Exhibits 3 and 4.

- a. DMP-a: This decision-making path relates to all development approvals which are issued administratively by staff and do not require approval by the Board of Zoning Appeals (BZA), Board of Supervisors (Board), or any other board or commission appointed by the Board. An application under DMP-a will be processed without a public hearing or notification of adjacent property owners. Staff may solicit input from other agencies, departments, boards, commissions and citizens as deemed necessary. Although it is the intent of the County to review applications with as little delay as possible, some applications may require referral to other agencies. However, a decision shall always be rendered within sixty (60) days of the date a complete application is submitted. A decision of the Administrator may be appealed in accordance with the appeal provisions of Section 2-4-1.

EXHIBIT 3

DECISION-MAKING PATH DETAILS

<u>DECISION-MAKING PATH/PLAN APPROVING AUTHORITY</u>	<u>ACTION</u>	<u>RELEVANT ORDINANCE SECTIONS</u>
DMP-a Land Use Administrator	<ul style="list-style-type: none"> - Certificate of Compliance - Exempted Activities - Minor subdivisions/site plans - Major subdivisions (less than 50 lots)/site plans (less than 10 acres disturbed) - Design waivers, exceptions - Administration special use permits - Density Bonus 	2-6 2-2-1b 2-2-10 2-2-11 3-14-10 and 4-1-2 3-17 3-18
DMP-b (Public Hearing) Board of Supervisors	<ul style="list-style-type: none"> - Major preliminary subdivision (50+ lots)/site plans (10+ acres disturbed) - General development plans - Rezoning requests - Special use permits - Density Bonus 	2-2-11 2-2-11a 2-5 3-17 3-18
DMP-c Board of Supervisors	<ul style="list-style-type: none"> - Major final subdivisions/site plans - Design waivers, exceptions - Performance/maintenance guarantees - Appeals from decisions of the Land Use Administrator 	2-2-11 3-14-10 and 4-1-2 2-5 2-4-1
DMP-d (Public Hearing) Board of Zoning Appeals	<ul style="list-style-type: none"> - Zoning Variances - Zoning Appeals - Zoning Interpretations 	3-7 2-4
DMP-e (Public Hearing) Wetlands Board	<ul style="list-style-type: none"> - Tidal wetlands disturbing permit 	3-14-4

EXHIBIT 4

DECISION-MAKING MATRIX

APPLICATIONS	PUBLIC HEARING REQUIRED	APPLICABLE DECISION-MAKING PATH				
		a	b	c	d	e
- Certificate of Compliance		X				
- Minor Subdivisions		X				
- Minor Site Plans		X				
- Erosion & Sediment Control Permits		X				
- Administrative Special Use Permits		X				
- Preliminary and Final Subdivision (less than 50 lots)		X				
- Preliminary Subdivision (50+ lots)	X		X			
- Preliminary and Final Site Plans (less than 10 acres disturbed)		X				
- Preliminary Site Plans (10+ acres disturbed)	X		X			
- Rezoning	X		X			
- Plan and Ordinance Amendments	X		X			
- Special Use Permits	X		X			
- Minor Revision to DMP-b Approvals				X		
- Final Subdivisions (50+ lots)				X		
- Final Site Plans (10+ acres disturbed)				X		
- Acceptance of Surety				X		
- Appeals of Administrative Decisions Relative to Design Standards				X		
- Variance Requests	X				X	
- Appeals of Administrative Decisions Relative to Zoning Provisions	X				X	
- Interpretation of Zoning Map	X				X	
- Wetlands Permits	X					X

- b. DMP-b: This decision-making path relates to all development approvals granted by the Board of Supervisors after the conduct of a public hearing. This DMP will involve the solicitation of comments and recommendations from staff, local boards and commissions and other governmental entities before a final decision is made. Public hearings shall be held after public notice is provided in accordance with the public notice provisions of Section 2-3.

The Land Use Administrator shall forward a complete application to the Commission, which shall hold at least one (1) public hearing in accordance with the public notice requirements of Section 2-3. Following the hearing, the Planning Commission shall prepare and by motion approved its recommendation, which may include changes to the original application proposal, and transmit such recommendations, together with any explanatory materials, to the Board of Supervisors. The Planning Commission's recommendation shall state the public purposes upon which their recommendation is premised. Failure of the Planning Commission to submit a recommendation to the Board of Supervisors within ninety (90) days of the first meeting of the Commission after the application had been referred to it shall be deemed as a recommendation for approval, unless the application is withdrawn by the applicant prior to the

expiration of such time period. The Board will conduct a public hearing advertised in accordance with the public notice provisions specified in Section 2-3. Approval or denial by the Board shall occur within forty-five (45) days after receipt of all state approvals or ninety (90) days after submission of a complete application, whichever is greater. The applicant may relieve the Board and Planning Commission of rendering a decision within the time periods provided if done so in writing prior to the expiration of the time period. A decision by the Board may be appealed in accordance with appeal and provisions of Section 2-4-2.

c. DMP-c: This decision-making path relates to all development approvals granted by the Board of Supervisors which do not require a public hearing. DMP-c may involve the solicitation of comments and recommendations from staff, local boards and commissions, and other governmental entities before a final decision is made. Appeals may be made in accordance with the appeal provisions of Section 2-4-2.

d. DMP-d: This decision-making path relates to all zoning appeals and requests granted by the Board of Zoning Appeals (BZA). DMP-d involves the conduct of a public hearing after public notice has been provided in

accordance with the public notice provisions of Section 2-3. Solicitation of comments and recommendations from the Planning Commission is mandatory before a decision is rendered. Comments and recommendations may also be solicited from staff, local boards and commissions, and other governmental entities before a final decision is made. Appeals may be made in accordance with the appeal provisions of Section 2-4-2.

- e. DMP-e: This decision-making path relates to all development approvals granted by the Wetlands Board. The Wetlands Board conducts a public hearing not later than sixty (60) days after receipt of an application for a proposed regulated activity within tidal wetland areas. Public hearings are conducted after public notice has been provided in accordance with the public hearing provisions of Section 2-3. It is mandatory that the applicant, the Board of Supervisors, the Commissioner of the Virginia Marine Resources Commission, the owner of record of any land adjacent to the wetlands in question, the Virginia Institute of Marine Science, the Department of Game and Inland Fisheries, the State Water Control Board, the Department of Transportation and any governmental agencies expressing an interest therein be notified of the hearing by mail not less than twenty (20) days prior to the date set for the hearing. Solicitation of

comments and recommendations from staff, local boards and commissions and other governmental entities occurs before a final decision is made. Appeals may be made in accordance with the appeals procedure of Section 2-4-2.

HISTORY

Richmond County lies along the north shore of the Rappahannock River, bounded by Westmoreland, Northumberland, and Lancaster Counties. The area was part of Lancaster, and then part of "Old Rappahannock" until increasing numbers of settlers justified its division into Richmond County on the north side and Essex County on the south side of the river. The two new counties were so formed by the Assembly at Jamestown in 1692 and were named for the reigning favorites at the court of William and Mary. The petition was brought to the Assembly by the prime entrepreneur of the vicinity, Moore Fauntleroy, whose dealings with the Rappahannock Indians are on record, and by those who had followed him sailing up the river. They were mostly Englishmen, a very few Huguenots, and later some Irishmen. Some of their names still linger here.

Court was held in gentlemen's homes and records were kept in the county clerk's home until the Court House was built (authorized in 1748) by Colonel Landon Carter, and the Clerk's office was built (completed in 1816) by Colonel John Tayloe III. These two men's plantation homes, Sabine Hall and Mount Airy, still house their descendants. Francis Lightfoot Lee, one of two brothers who signed the Declaration of Independence, lived at Menokin with his wife, a daughter of Colonel John Tayloe III; the Menokin house, upriver from Mount Airy, is now in ruins. Another famous son of Richmond County was Judge Cyrus Griffin. He was born in 1748 near Downings. He became President of the Congress in 1788, held many other political offices and was appointed United States District Judge for Virginia. Richmond County was also the home of Congressman William Atkinson Jones who sponsored the bill for Philippine Independence in 1916. His home in Warsaw is still maintained by his family and a memorial monument sent by the Philippine people marks his grave at St. John's Church here.

Between two large rivers and laced with many creeks, the counties of the Northern Neck have been protected from sociological upheavals such as wars and depressions. Life had had a remarkably even tenor until World War I. Soon afterward, in 1927, the Downing Bridge was completed, opening the counties here to "the outside". Steamboats were no longer the main means of communication.

Until the mid-twentieth century, agriculture, seafood, and timber were the main industries. Dairy farming, canning and trapping have been specialized forms of occupations but these are less common now. Hunting and fishing, once as a livelihood, and always for sport, are important here. Churches abound throughout the County. A colonial church, North Farnham, built in 1737 and restored to fine condition, is in regular use. St. John's Church (1836) in Warsaw, Menokin Church (1838) and Farnham Baptist Church (1856) are old meeting houses and have active congregations.

The county seat was called Richmond Court House until it was renamed Warsaw in 1846 in sympathy for the Polish struggle for liberty at that time.

ENVIRONMENT AND NATURAL RESOURCES

PHYSICAL ENVIRONMENT

The physical environment of Richmond county is largely determined by its coastal setting. The Rappahannock River and two of its tributaries provide the natural border for a large portion of Richmond County. The soils, topography and geology of the County have been formed from the sedimentary processes and sea level changes that have taken place over many years in the Chesapeake Bay watershed.

The coastal environment of Richmond County is responsible for the bounty of renewable, natural resources which are found there. The fertile soils of the County, formed from marine and fluvial sediments, provide a strong base for agriculture and forestry. The waters of the Rappahannock river and its tributaries provide a healthy environment for finfish and shellfish. Together, the production and harvest of these renewable resources serves as the mainstay of the Richmond County economy.

The high quality groundwater that lies underneath Richmond County presently provides the sole source of potable water. The continued quality and integrity of this natural resource is of the highest importance as the beauty of the County's natural environment attracts future growth and development.

GEOGRAPHY

Richmond County is located in Virginia's Northern Neck region, a coastal peninsula which lies between the Potomac River, the Rappahannock River and the Chesapeake Bay. The County is bounded by the Rappahannock River along the length of its southern border. It also shares a border with each of the other three counties of the Northern Neck: Westmoreland County, Northumberland County and Lancaster County. (see Map A)

The total area of Richmond County is about 203 square miles, of which approximately 11 square miles are water. The County is approximately eight miles wide and 26 miles long. The Rappahannock River and its numerous tributaries form a tidal shoreline of approximately 142 miles and a nontidal shoreline of approximately 560 miles for Richmond County. These tributaries include: Brockenbrough Creek, which forms the border between Richmond and Westmoreland Counties; Garlands Creek; Jones Creek; Waterview Creek; Cat Point Creek; Little Carter Creek; Jugs Creek; Balls Creek; Pecks Creek; Totuskey Creek; Richardson Creek; Farnham Creek; Morattico Creek; and Lancaster Creek, which forms the border between Richmond County and Lancaster County.

TOPOGRAPHY AND PHYSIOGRAPHY

Although Richmond County lies entirely within the Southern Coastal Plain physiographic province, the relief of the County varies between flat coastal lands and hillier areas more typical of the Piedmont Region. Three physiographic subregions are found within the County which represent this variation in land and topography: the coastal plain upland, the low marine terrace and the fluvial river terrace.

The fluvial river terrace, which ranges from sea level to 10 feet above sea level, includes Mulberry Island and other tidal marsh areas along the Rappahannock River and the major creeks. The low marine terrace, which ranges from 10 to 50 feet above sea level, and the fluvial river terrace together comprise roughly a fourth of Richmond County. These two subregions make up a band along most of the Rappahannock River, except in the northwestern part of the County, where steep cliffs rise up to 140 feet from the river's edge.

The coastal plain upland ranges from about 90 to 170 feet above sea level and includes the northwestern section of the County as well as the flatter inland plateaus. This area is a nearly level to gently undulating plain in the northeastern part of the County, with a well established, deeply cut drainage system. The drainageways and their steep sidewalls cover about 50 percent of the upland area and are the dominant feature in the northwestern part of the County.

The drop from the upland to the marine terrace is similar to the larger scale Piedmont to Coastal Plain topographical transition. The drop along the fifty-foot contour, or "Suffolk Scarp", produces a number of environmental effects similar to that of the geological fall line, including changes in wetlands communities, salinity gradients and aquatic communities.

CLIMATE

Richmond County enjoys a temperate, semi-maritime climate, with mild winters and warm and humid summers. The mountains to the west and the Chesapeake Bay and its tributaries are major factors controlling the climate of Richmond County. The mountains produce various blocking and steering effects on storms and air masses coming from the Great Lakes region. The large open bodies of water in proximity to Richmond County buffer atmospheric temperature changes and provide breezes near shore, which mitigate the high humidity.

The growing season in Richmond County is 194 days. This season is defined as the period between the average date of the last freezing temperature in spring, April 15, and the average date of the first freezing temperature in fall, October 26. Freezing temperatures have occurred as early in the fall as October 6, and as late as May 11 in the spring.

Precipitation is evenly distributed throughout the year with the maximum in July (average 4.31 inches) and the minimum in February (average 2.71 inches). The annual mean precipitation, as determined over a thirty year period at the Eastern Virginia Research Station in Warsaw, is 42.61 inches. On an average year, 23 inches of this precipitation falls during the growing season, April to September, and 17.3 inches of this precipitation falls during the winter and includes varying amounts of snow.

Hurricanes and other tropical storms occasionally affect Richmond County, though they usually lose their hurricane force due to the distance from the ocean. The remaining low pressure centers typically produce heavy rains and strong winds.

SOILS

The soils in Richmond County have been mapped and described in the Soil Survey of Richmond County Virginia, completed in 1979 by the U.S. Soil Conservation Service (SCS) and the Virginia Polytechnic Institute and State University. The Soil Survey provides maps of the different soil types in the County. It also describes the characteristics of each soil type, including slope, color, texture, structure and drainage. The characteristics of these soil types are then evaluated to determine each soil's suitability for agricultural production, forestry production, building-site development, septic tank installation, recreation, wildlife habitat and other uses.

The suitability of a soil for various types of land development and/or the installation of septic tanks is important to comprehensive planning in Richmond County. The presence of certain soil types can increase the cost of development, or limit it entirely, due to Virginia Health Department regulations for placement of septic tanks (determined by the permeability of the soil slope of the land, and the depth to the water table). The slope, erodibility and infiltration rate of a soil also determine the degree to which development will increase levels of surface water runoff which lead to erosion, sedimentation, and other types of nonpoint source pollution.

One of the most important soil considerations for development is the depth from the surface to the groundwater table. The closer the water table to the surface, the greater will be the pollutant impacts to the groundwater from septic tanks and other sources of pollution. In areas where the water table reaches the surface for at least a week during each growing season, the soil takes on the characteristics and definition of a wetland. Other important soil considerations are slope and erodibility. Areas of high slope present constraints to grading, construction and development, particularly on "loose" soils which are subject to erosion.

Development and engineering practices, such as drainage of wetlands and extensive grading, which are used to overcome natural soil limitations, lead to a number of environmental impacts and hazards. These soil limitations, therefore, should be carefully considered in planning for growth and development in Richmond County.

The general soil associations for Richmond County are shown in figure 2. The Soil Survey should be consulted for more detailed maps of the soils of the County and for descriptions and interpretations of these maps.

NATURAL RESOURCES

SURFACE WATER AND MARINE RESOURCES

The abundant quantity and high quality of the waters in and around Richmond County represent a resource of inestimable value. Protecting the quality of this resource is essential to maintaining the economy of the County and the livelihood of many citizens. This protection must be accomplished, even in the face of development and change within the County.

WATER SUPPLY IMPOUNDMENTS

Presently, there are no surface water supply facilities in Richmond County. However, a great deal of surface water lies within the boundaries of the County. Numerous freshwater streams form in the upland areas and fan out into tidal creeks and estuaries across the coastal necklands.

Most of the surface water contained in these streams and creeks is subject to tidal influence and levels of salinity which make it unsuitable for public water supply purposes. The freshwater portions of the majority of these streams are not large enough to expand existing water supplies without the creation of impoundments or reservoirs.

SHELLFISH RESOURCES

Shellfish, such as oysters, that are harvested in the waters around Richmond County are a potentially bountiful resource for the citizens of the County. Over recent years, however, oysters have demonstrated an acute sensitivity to the environmental stresses caused by water pollution. Being sessile throughout their adult life, oysters are unable to avoid contaminated waters; and being filter feeders, oysters concentrate bacteria, viruses, heavy metals, pesticides and other pollutants that are found in the surrounding water. In recent years, viral disease has resulted in a drastic decline in oyster populations.

Blue crabs are found in all estuaries of the County and are of value to watermen, boaters and waterfront landowners.

FISHERY RESOURCES

Several species of saltwater fish are found in the estuaries of Richmond County, including rock fish, spot, yellow and white perch, herring, shad and eels; also some sea trout, flounders, sunfish and bluefish occur. Of these commercially valuable species, all but eels are valued also by sport fisherman.

Fresh water species are found in the ponds of Richmond County and freshwater portions of the Rappahannock River. In the fresh water ponds, there are populations of large mouth bass and blue gills, as well as chain pickerel, carp, crappie, sunfish and catfish.

The fisheries in the Rappahannock River and throughout the Chesapeake have suffered declines in recent years. These declines are the product of changes in water quality and extensive harvesting pressure. It is well recognized that management efforts to replenish the levels of these fishery stocks must address both of these problems in order to be successful.

IMPACTS ON WATER QUALITY

Non-point sources, as well as point sources, of water pollution contribute to a decline in water quality. Non-point sources are those that do not involve a single point of wastewater discharge. Septic system failure over a large development is an example of non-point pollution. The majority of non-point source pollution, however, is associated with soil erosion and surface water runoff from areas of human impact or development. Surface water runoff carries with it sediments and other pollutants from cultivated lands and construction sites, where such pollutants are not retained or filtered by natural vegetation. These other pollutants include fertilizers, pesticides, herbicides, automobile pollutants and organic nutrients. These materials have a significant impact on water quality.

Failing septic tank drainfields, kitchen and laundry wastes, animal waste sources, minor industrial sources, seafood processing operations, marinas and sewage treatment plants are responsible for the condemnation and closure of shellfish beds, as discussed in the following section.

The degradation of water quality creates subsequent declines in populations of fish, shellfish and submerged aquatic vegetation. Submerged aquatic vegetation serves as important fishery habitat and provides a natural system for cleansing and filtering water borne pollutants. As aquatic vegetation declines, the effects of pollution and sedimentation accelerate and the waterbody loses its natural ability to recover. The waters of Richmond County and the Rappahannock River have not suffered the level of decline witnessed in other areas but further impacts must be minimized to ensure the continued health of these waters.

WATER QUALITY PROGRAMS

Erosion and Sediment Control

Richmond County has adopted and enforces an Erosion and Sediment Control Ordinance which is aimed at controlling erosion, runoff and sedimentation caused by grading, construction and other land clearing and earth moving activities. The Erosion and Sediment Control Ordinance requires that a developer submit a plan for minimizing erosion and sedimentation to the County, prior to conducting any land development activities. The Ordinance also requires that each provision in the plan be carried out and maintained.

Farmland Best Management Practices

Numerous state, federal and regional agencies are involved in programs to assist farmers in Richmond County to apply soil conservation and best management practices to their cultivated areas in order to control runoff from agricultural land. These agencies incorporate financial incentives with technical expertise to devise conservation strategies that will maximize benefits to farmers through soil conservation and minimize the negative impacts of pollutant runoff to the waters of the County. The Chesapeake Bay Preservation Area Program requires approved Water Quality Conservation Plans for all farms in the County by the end of 1995.

State Shellfish Sanitation Program

Because of the potential health hazards associated with harvesting filter feeder shellfish in areas of bacterial, viral or toxic pollution, a national program to monitor and regulate shellfish production and harvesting was established in the 1920's. The National Shellfish Sanitation Program monitors and controls the harvesting and selling of all shellfish, including oyster harvests in Richmond County. The National Shellfish Sanitation Program is administered nationally by the Food and Drug Administration. Within the Commonwealth of Virginia, the program is administered by the Bureau of Shellfish Sanitation within the State Department of Health. Under guidelines of the National Program, the Bureau of Shellfish Sanitation defines which shellfish waters are safe for harvesting and which have been contaminated.

The standards for safe shellfish harvesting areas are based on the levels of certain contaminants in the waters, particularly those associated with industrial and domestic wastes. The concentration of coliform bacteria, which is associated with human and animal wastes, is the prime indicator that is used to determine the possible presence of health-threatening contamination. If industrial wastes are found or if high coliform levels are found in an area, the waters in that area are "condemned". Restrictions are then placed on the harvesting of shellfish from those waters. Under these restrictions, shellfish can only be harvested with a permit that requires the harvested

shellfish to be moved to approved, non-condemned areas or depuration plants for a set period of time.

Areas are condemned conditionally, seasonally, or indefinitely. Conditionally condemned areas are open to shellfish harvesting under normal conditions but may be closed if the monthly survey, performed by the Bureau of Shellfish Sanitation, detects unsuitable levels of contaminants. Some areas are closed seasonally, during certain months of the year.

At the present time, condemned shellfish areas exist in Lancaster Creek, on the border between Richmond and Lancaster Counties (251 acres); Farnham Creek (192 acres); Richardson Creek (158 acres); Totuskey Creek (582 acres); and the Rappahannock River above Lowery Point (nonproductive oyster ground).

GROUNDWATER

Residents of Richmond County rely totally on groundwater as a source of water supply. At the present time, groundwater is an adequate source of good quality drinking water. The groundwater in the County is contained in three layers or geologic strata. The water supply tapped by shallow wells is contained in the upper water table, which is located relatively near the surface of the ground. Two artesian aquifers lie below Richmond County. The top of the Upper Artesian Aquifer lies at between 200 and 300 feet below the surface and the top of the Principal Artesian Aquifer lies at between 300 and 450 feet below the surface. In general, the aquifers are tilted relative to the surface, dipping downward from west to east.

Water quality from the aquifers is good, although some wells produce water having sodium bicarbonate and silica in quantities sufficient to make it undesirable for boiler use. High sodium levels are also a concern for those on restricted sodium diets.

IMPACTS ON GROUNDWATER

Presently, the groundwater in the County is of sufficient quantity and quality to meet the water supply needs of residents; and there are no known immediate threats to the resource. However, there are two problems which could arise in the future and which have already arisen in other parts of Eastern Virginia. One potential problem is a drop in water level in wells, caused by over-utilization of groundwater. Intensive water use in a given area can cause a water level drop in surrounding areas. This effect, known as a "cone of depression", has been responsible for drying up private wells in many areas of Virginia where groundwater use is high.

Drops in water level have been documented at observation wells in Richmond County. Though these drops have not been severe, their threat to the groundwater supply is great because of the County's coastal location and the high risk of saltwater intrusion.

The second groundwater problem that can occur involves

groundwater pollution by various types of contaminants. Contaminants placed on, or stored at, the ground surface can move through the ground and pollute the water table and even the deeper aquifers. In May of 1987, the Virginia Groundwater Protection Steering Committee published A Groundwater Protection Strategy for Virginia, in which the Steering Committee assigned top priority to five potential sources of groundwater contamination: underground storage tanks; landfills; waste lagoons; septic tanks; and pesticides and fertilizers. Additionally, promiscuous dumps, highway de-icing salts and certain agricultural activities may pose threats to the groundwater resource of the County.

In Richmond County, the pollution potential to groundwater from these and other sources is high because of the geology of unconsolidated sand, clay, marl and shell strata that allow for high mobility of waterborne contaminants. This high degree of sensitivity of the County's groundwater resource and the importance of this resource to the citizens of Richmond County indicate that vigilance be maintained to insure its continued quality and integrity.

GROUNDWATER PROTECTION PROGRAMS

At the present time, Richmond County administers no program for the protection of groundwater. Prior to 1988, the Code of Virginia did not explicitly allow local governments to regulate land uses, based on the protection of groundwater. During the 1988 General Assembly Session, however, two pieces of legislation were passed which specifically authorize local governments to incorporate the protection of groundwater resources into their comprehensive plan and zoning ordinances. This protection could be accomplished by Richmond County through the designation of a "groundwater protection area" overlay district and the establishment of land use requirements for this area.

Under the Virginia Groundwater Act of 1973, areas in Virginia may be designated as groundwater management areas. This designation provides a permitting process for large quantity groundwater users which may potentially impact the groundwater levels in an area. Presently, this designation applies to only the Southeastern Virginia region and the Eastern Shore. However, it is an avenue for future groundwater protection if depletion of the County's groundwater resource accelerates.

WETLANDS

Along the shoreline and within the creeks and estuaries of Richmond County, wetlands and marshlands provide important transitional zones between land and water. These wetland and marshland areas have long been recognized for the many valuable functions they perform in their natural state. These functions include: the buffering and stabilization of the shoreline from the process of coastal erosion; the storage of surface water for groundwater recharge; the buffering and absorption of flood waters; the production and transport of detrital food material, important to the aquatic food web; the filtering and cleansing of runoff and other waters which pass through the wetlands; and the

provision of wildlife and waterfowl habitat, particularly for the critical nursery stages of many important fish species. These species, known collectively as anadromous fishes, spend most of their adult life in marine and oceanic waters and then return to small creeks to spawn within the wetlands and nursery areas.

The wetlands of Richmond County can be broadly classified into two groups: those that come under tidal influence; and those that are located in freshwater areas above the range of the tide. The Virginia Institute of Marine Science has conducted an inventory of the tidal marsh areas of Richmond County. When this data was collected, there were approximately 3,500 acres of tidal wetlands in the County. Data from the Richmond County Geographic Information System indicates that Richmond County has 7268.3 acres of non-tidal wetlands .

IMPACTS ON WETLANDS

A wide range of man's activities can adversely affect the health and natural values of wetlands. This is due, primarily, to two factors: first, wetlands represent an environment that is not suitable to normal use and habitation by man; and, second, wetlands are easily disruptable through modifications to their physical characteristics and surroundings.

Adverse impacts on wetlands can take the form of direct impacts, such as dredging or filling, or indirect impacts, such as sedimentation, the modification of natural drainage, or scouring caused by wave refraction from bulkheads. The cumulative effects of wetlands loss create numerous, severe impacts upon water quality, living marine resources, and the fisheries economy of Richmond County.

WETLANDS PROTECTION PROGRAMS

Tidal Wetlands Zoning Ordinance

Richmond County has adopted and enforces a Wetlands Zoning Ordinance, administered by the Richmond County Wetlands Board. The permitting process of the Wetlands Board allows for the minimization of developmental impacts upon tidal wetlands and the protection of those wetlands which are ecologically most important to the County. Citizens seeking to protect their property from losses due to shoreline erosion are encouraged, where appropriate, to plant naturally vegetated wetlands communities in lieu of constructing timber bulkheads or riprap revetments. Where bulkheads or riprap are allowed, they are required to be placed landward of the wetlands. Boat ramps and other water-dependent uses of the shoreline are encouraged to locate in areas of nonvegetated or lesser quality wetlands.

Nontidal Wetlands Protection

Section 404 of the Federal Clean Water Act, administered by the U.S. Army Corps of Engineers, protects most nontidal wetlands against discharge of dredge and fill. Under the Swampbuster provision of the Food Security Act of 1985 the United States

Department of Agriculture has been discouraging the conversion of wetlands into cropland and encouraging the reconversion of cropland back into wetlands under the Conservation Reserve Program.

Richmond County's Chesapeake Bay Preservation Area Program includes nontidal wetlands in Resource Protection Areas. Those nontidal wetlands connected by surface flow and contiguous to tidal wetlands or tributary streams are protected by a 100 foot vegetated buffer or its equivalent. Other nontidal wetlands are offered protection via the site plan review process.

PRIME FARMLAND AND FORESTAL LAND

PRIME FARMLAND

Prime farmland is defined by the U.S. Department of Agriculture as land that is best suited to the production of crops for food, feed, forage, fiber and oilseed. The requirements for designating prime farmland include: sufficient growing season; adequate moisture from precipitation or irrigation; and sufficient soil quality with respect to soil acidity, alkilinity, drainage erodibility, slope and other factors.

Approximately 55,082 acres, or 42 percent of the County, meet the criteria for the prime farmland designation. Table 1 lists the soil types in Richmond County which are designated as prime farmland.

TABLE 1

SOIL TYPES IN RICHMOND COUNTY DESIGNATED AS PRIME FARMLAND

Atlee silt loam
Dogue fine sandy loam, 2 to 6 percent slopes
Emporia loam, 2 to 6 percent slopes
Kempsville sandy loam, 2 to 6 percent slopes
Kempsville loam
Nansemond fine sandy loam
Pamunkey loam, wet substratum
Rumford loamy sand, 0 to 6 percent slopew
State fine sandy loam, 0 to 6 percent slopes
Suffolk sandy loam, 0 to 6 percent slopes
Tetotum fine sandy loam, 0 to 6 percent slopes

PRIME FORESTLAND

Land can also be catalogued based on its potential to produce timber. Timber productivity and quality is related to the soil characteristics, available moisture, drainage and topography of a site. Sites are classified according to the volume of wood they are capable of producing in one year. The majority of the soils in the County fall into the "good" range for forestland productivity. While many of those sites will not produce high quality hardwoods, most will grow loblolly pine well and will produce good returns on an investment.

TABLE 2

Soil Productivity Classification for Forestland of Richmond County by Soil Types.

<u>Fair</u> <u>(Site Index 70)*</u>	<u>Good</u> <u>(Site Index 80)</u>	<u>Excellent</u> <u>(Site Index 90)</u>
Atlee	Bibb	Dogue
	Catpoint	Leaf
	Emporia	Lumbee
	Kempsville	Tomotley
	Nansemond	Yemassee
	Pamunkey	
	Rumford	
	Savannah	
	State	
	Suffolk	
	Tetotum	
	Wahee	

*Site Index is based on the height that a representative tree will attain in a fully stocked stand at 50 years of age.

FOREST RESOURCES

As of the 1985 Forest Survey, conducted by the U.S.D.A. Forest Service, there were approximately 76,818 acres of forested land in Richmond County. The vast majority of this land is in private ownership. These forests provide wildlife habitat, air quality enhancement, soil conservation and recreation values to the County. The forestry industry represents a significant element of the County's economy.

According to the 1985 Forest Survey, the acreage of commercial forestland in the County has decreased by 2,209 acres, or 2.7%, since the 1976 Forest Survey. The trend of ownership of forestland has moved away from farmers to other private owners. In 1976, 44,849 acres of forestland, or 57% of the total, was owned by farmers. In 1985, 26,016 acres, or 34%, was owned by farmers. This trend may be a reflection of the poor farm economy over these nine years, with farmers selling land or going out of business altogether.

Forest Composition and Management

Timberland is classified into broad timber types. Pine land and hardwood land represent the classifications of most value, growth potential, and harvestability. Between the years 1976 and 1985, the acreage of pine land in Richmond County decreased by approximately 13%. The acreage of hardwood land increased by nearly 3% during that same period.

Past cutting and reforestation practices are reflected in the current timber-type acreages. The decreases in the acreages of pine timberland between 1976 and 1985 represents low levels of reforestation after harvesting. Due to the process of succession, areas that are not reforested become colonized by smaller and less desirable species.

IMPACTS ON PRIME FARMLAND AND FORESTED LAND

Many acres of prime farmland and forested land are converted each year to more intensive land uses. Over the short run, this conversion does not have a great impact on the agricultural and silvicultural economy. Over a longer period, however, the conversion of prime farmland limits the degree to which Richmond County farmers can expand their operations in response to changes in the demand and supply of agricultural products. The conversion of both prime farmland and prime forested land degrades the resource base of renewable, sustainable industries in the County economy.

PRIME FARMLAND AND FORESTED LAND PROTECTION PROGRAMS

Richmond County presently administers no program aimed at protecting prime farmland and forested land other than land use value taxation. The County does, however, encourage the concentration and clustering of development in prime farmland areas in order to minimize the amount of land removed from future production potential.

In the development of a zoning ordinance, the County will consider the location of prime farmland and forested land in the designation of agricultural zones. The County may also wish to sponsor the designation of Agricultural and Forestal Districts. The designation of these Districts protect farmers from certain problems such as nuisance lawsuits against pesticide application and evening harvest operations.

GAME AND WILDLIFE

The mixed pattern of adjoining fields, forests and streams throughout the County provides a favorable habitat for upland game. White-tailed deer, bobwhite quail, and mourning doves are prevalent throughout the County. Red and gray foxes, gray squirrels, cottontail rabbits, raccoons and opossums are also to be found, as well as the introduced Iranian pheasant. In the marshes and streams are numerous muskrats, moderate numbers of beaver, mink and occasional otters.

On the estuaries and on the bordering rivers there are moderate wintering populations of waterfowl including Canadian geese, whistling swans, canvas backs, scaup, red heads, mallards, black duck, teal, buffle heads, and wood ducks. There are also many kinds of shore and wading birds such as killdeers, snipe rails, bitterns, herons, sandpipers, and egrets. Richmond County has several kinds of birds nationally classed as endangered or rare species including bald eagles, ospreys, and cattle egret.

MINERALS

With the exception of sand and gravel for construction and highway purposes, the County has no mineral deposits feasible for development under existing levels of cost and return. In the past there have been some slight developments of diatomaceous earth and calcareous marl, though these deposits are of a generally low grade.

Selected samples of clay from various sites have been tested and found potentially suitable for use in the manufacture of face brick, structural tile and sewer pipe.

AIR QUALITY

At present, there are no major point sources of air pollution in Richmond County. Non-point sources of pollution, such as the cumulative emissions of highway traffic and residential fuel oil usage, are low enough in the County so as not to present a problem.

The Virginia Air Pollution Control Board has the responsibility to monitor air quality in the Commonwealth and to ensure that the quality of air meets the standards defined in the Virginia Air Pollution Control Law and Regulations. The Air Pollution Control Board had, until recently, maintained a regional office and monitoring station across the Rappahannock River in Tappahannock. This office was closed in March of 1987 due to the consistently high air quality readings observed.

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